

STATE OF MINNESOTA

NINETIETH SESSION — 2018

EIGHTY-NINTH DAY

SAINT PAUL, MINNESOTA, TUESDAY, MAY 1, 2018

The House of Representatives convened at 10:00 a.m. and was called to order by Kurt Daudt, Speaker of the House.

Prayer was offered by Rabbi Marcia A. Zimmerman, Temple Israel, Minneapolis, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The Speaker called Albright to the Chair.

The roll was called and the following members were present:

Albright	Davnie	Hansen	Liebling	Neu	Sandstede
Allen	Dean, M.	Hausman	Lien	Newberger	Sauke
Anderson, P.	Dehn, R.	Heintzeman	Loeffler	Nornes	Schomacker
Anderson, S.	Dettmer	Hertaus	Lohmer	O'Driscoll	Schultz
Anselmo	Drazkowski	Hilstrom	Loon	Olson	Scott
Backer	Ecklund	Hornstein	Loonan	Omar	Smith
Bahr, C.	Erickson	Hortman	Lucero	O'Neill	Sundin
Baker	Fabian	Howe	Lueck	Pelowski	Swedzinski
Barr, R.	Fenton	Jessup	Mahoney	Peppin	Theis
Becker-Finn	Fischer	Johnson, B.	Mariani	Petersburg	Torkelson
Bennett	Flanagan	Johnson, C.	Marquart	Peterson	Uglem
Bernardy	Franke	Jurgens	Masin	Pierson	Urdahl
Bliss	Franson	Kiel	Maye Quade	Pinto	Vogel
Bly	Freiberg	Knoblach	McDonald	Poppe	Wagenius
Carlson, A.	Green	Koegel	Miller	Poston	West
Carlson, L.	Grossell	Koznick	Moran	Pryor	Whelan
Christensen	Gruenhagen	Kresha	Munson	Pugh	Wills
Clark	Gunther	Kunesh-Podein	Murphy, E.	Quam	Youakim
Considine	Haley	Layman	Murphy, M.	Rarick	Zerwas
Daniels	Halverson	Lee	Nash	Rosenthal	Spk. Daudt
Davids	Hamilton	Lesch	Nelson	Runbeck	

A quorum was present.

Johnson, S.; Lillie; Slocum and Ward were excused.

Applebaum was excused until 12:40 p.m. Metsa was excused until 12:45 p.m. Garofalo was excused until 12:50 p.m. Hoppe was excused until 1:55 p.m.

The Chief Clerk proceeded to read the Journal of the preceding day. There being no objection, further reading of the Journal was dispensed with and the Journal was approved as corrected by the Chief Clerk.

REPORTS OF CHIEF CLERK

S. F. No. 3656 and H. F. No. 4099, which had been referred to the Chief Clerk for comparison, were examined and found to be not identical.

Knoblach moved that S. F. No. 3656 be substituted for H. F. No. 4099 and that the House File be indefinitely postponed. The motion prevailed.

REPORTS OF STANDING COMMITTEES AND DIVISIONS

Scott from the Committee on Civil Law and Data Practices Policy to which was referred:

H. F. No. 4458, A bill for an act relating to health; establishing the Vulnerable Adult Maltreatment Prevention and Accountability Act; modifying provisions governing nursing homes, home care providers, housing with services establishments, and assisted living services; modifying requirements related to reporting maltreatment of vulnerable adults; modifying requirements for data sharing and data classifications; modifying a criminal penalty; establishing working groups; requiring reports; amending Minnesota Statutes 2016, sections 144.6501, subdivision 3, by adding a subdivision; 144.651, subdivisions 1, 2, 4, 14, 16, 20, 21; 144A.10, subdivision 1; 144A.44, subdivision 1; 144A.442; 144A.45, subdivisions 1, 2; 144A.473, subdivision 2; 144A.474, subdivisions 2, 8, 9; 144A.4791, subdivision 10; 144A.53, subdivisions 1, 4, by adding subdivisions; 144D.01, subdivision 1; 144D.02; 144D.04, by adding a subdivision; 144G.01, subdivision 1; 325F.71; 609.2231, subdivision 8; 626.557, subdivisions 3, 4, 9, 9a, 9b, 9c, 9d, 10b, 12b, 14, 17; 626.5572, subdivision 6; Minnesota Statutes 2017 Supplement, sections 144A.10, subdivision 4; 144A.474, subdivision 11; 144D.04, subdivision 2; 256.045, subdivisions 3, 4; proposing coding for new law in Minnesota Statutes, chapters 144; 144D; 144G; repealing Minnesota Statutes 2016, section 256.021.

Reported the same back with the recommendation that the bill be re-referred to the Committee on Health and Human Services Finance.

The report was adopted.

Pursuant to Joint Rule 2.03 and in accordance with Senate Concurrent Resolution No. 9, H. F. No. 4458 was re-referred to the Committee on Rules and Legislative Administration.

SECOND READING OF SENATE BILLS

S. F. No. 3656 was read for the second time.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House File was introduced:

Scott introduced:

H. F. No. 4472, A bill for an act relating to civil law; creating a social media bill of rights; creating a cause of action and civil penalty for violations of the social media bill of rights; proposing coding for new law in Minnesota Statutes, chapter 325E.

The bill was read for the first time and referred to the Committee on Civil Law and Data Practices Policy.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 2391, A bill for an act relating to financial institutions; regulating health savings and medical savings accounts; providing asset protection; amending Minnesota Statutes 2016, section 550.37, by adding a subdivision.

CAL R. LUDEMAN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 3224, A bill for an act relating to credit unions; regulating membership; governance; and powers and duties; amending Minnesota Statutes 2016, sections 52.02; 52.19, subdivision 2.

CAL R. LUDEMAN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 3551, A bill for an act relating to the Safe at Home program; modifying program requirements; making clarifying and technical changes; amending Minnesota Statutes 2016, sections 5B.02; 5B.03; 5B.05; 5B.07, subdivision 1.

CAL R. LUDEMAN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 2692, 3182, 3537 and 3569.

CAL R. LUDEMAN, Secretary of the Senate

FIRST READING OF SENATE BILLS

S. F. No. 2692, A bill for an act relating to military affairs; providing National Guard members access to information regarding state-sponsored life insurance program; proposing coding for new law in Minnesota Statutes, chapter 192.

The bill was read for the first time.

Howe moved that S. F. No. 2692 and H. F. No. 2869, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 3182, A bill for an act relating to agriculture; clarifying application of fugitive emission standards to certain commodity facilities; amending Minnesota Statutes 2016, section 116.07, by adding a subdivision.

The bill was read for the first time.

Backer moved that S. F. No. 3182 and H. F. No. 3441, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 3537, A bill for an act relating to agriculture; reducing noncommercial pesticide applicator license fee for certain persons; amending Minnesota Statutes 2016, section 18B.34, subdivision 5.

The bill was read for the first time.

Munson moved that S. F. No. 3537 and H. F. No. 3374, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 3569, A bill for an act relating to transportation; establishing a moratorium on permits to mow or hay trunk highway rights-of-way.

The bill was read for the first time.

Swedzinski moved that S. F. No. 3569 and H. F. No. 4008, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

Peppin moved that the House recess subject to the call of the Chair. The motion prevailed.

RECESS

RECONVENED

The House reconvened and was called to order by the Speaker.

REPORT FROM THE COMMITTEE ON RULES
AND LEGISLATIVE ADMINISTRATION

Peppin from the Committee on Rules and Legislative Administration, pursuant to rules 1.21 and 3.33, designated the following bill to be placed on the Calendar for the Day for Thursday, May 3, 2018 and established a prefiling requirement for amendments offered to the following bill:

S. F. No. 3656.

Maye Quade was excused between the hours of 12:45 p.m. and 1:10 p.m.

CALENDAR FOR THE DAY

H. F. No. 3138 was reported to the House.

Dean, M., moved to amend H. F. No. 3138, the second engrossment, as follows:

Page 47, line 24, delete "80" and insert "84"

Page 137, line 23, strike the second "disability" and insert "disabilities"

Page 138, lines 3, 10, 23, 25, and 29, strike "disability" and insert "disabilities"

Page 138, line 5, strike the second "disability" and insert "disabilities"

Page 138, line 7, delete the second "disability" and insert "disabilities"

Page 138, line 19, delete "disability" and insert "disabilities"

Page 139, lines 5 and 17, strike "disability" and insert "disabilities"

Page 139, lines 21, 24, and 27, strike the second "disability" and insert "disabilities"

Page 141, line 14, delete "disability" and insert "disabilities"

Page 142, line 30, delete "disability" and insert "disabilities"

Page 144, line 8, delete "disability" and insert "disabilities"

Page 157, delete line 31

Page 180, line 23, before "The" insert "(a)"

Page 180, after line 24, insert:

"(b) The revisor of statutes shall change the term "developmental disability waiver" or similar terms to "developmental disabilities waiver" or similar terms wherever they appear in Minnesota Statutes and Minnesota Rules. The revisor shall also make technical and other necessary changes to sentence structure to preserve the meaning of the text."

Page 199, line 3, strike "or residential care homes,"

Page 199, line 9, strike "residential care home,"

Page 199, line 13, strike "a residential care home,"

Page 199, line 19, strike "or residential care home"

Page 199, line 21, strike "or home"

Page 199, line 26, delete ", residential care homes."

Page 199, line 28, delete ", residential"

Page 199, line 29, delete "care home's."

Page 199, line 33, strike "or residential care homes"

Page 200, line 16, strike "residential care home,"

Page 221, line 24, strike "; review panel"

Page 222, line 24, strike everything after the period

Page 222, strike line 25

Page 222, line 26, strike everything before "The"

Dean, M., moved to amend the Dean, M., amendment to H. F. No. 3138, the second engrossment, as follows:

Page 1, after line 13, insert:

"Page 163, line 9, after the period, insert "The lead agencies must implement the competitive workforce factor on the date the competitive workforce factor is effective and not as reassessments, reauthorizations, or service plan renewals occur."

Page 2, after line 12, insert:

"Page 312, line 30, delete "28,476,000" and insert "29,168,000"

Page 313, line 1, delete "5,772,000" and insert "5,778,000"

Page 314, line 18, delete "\$6,135,000" and insert "\$6,141,000"

Page 314, line 19, delete "\$6,144,000" and insert "\$6,150,000"

Page 316, line 11, delete "4,032,000" and insert "4,171,000"

Page 316, line 13, delete "\$4,000,000" and insert "\$4,139,000"

Page 316, line 14, delete "\$3,885,000" and insert "\$4,024,000"

Page 316, line 16, delete "25,392,000" and insert "25,939,000"

Page 319, line 15, delete "11,565,000" and insert "10,922,000"

Page 319, line 18, delete "11,481,000" and insert "10,838,000"

Page 319, line 21, delete "8,505,000" and insert "7,862,000"

Page 319, line 30, delete "\$2,897,000" and insert "\$557,000"

Page 320, line 4, delete "\$992,000" and insert "\$893,000" and delete "\$986,000" and insert "\$893,000"

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Dean, M., amendment, as amended, to H. F. No. 3138, the second engrossment. The motion prevailed and the amendment, as amended, was adopted.

Liebling moved to amend H. F. No. 3138, the second engrossment, as amended, as follows:

Page 3, after line 5, insert:

"Section 1. Minnesota Statutes 2017 Supplement, section 62D.02, subdivision 4, is amended to read:

Subd. 4. **Health maintenance organization.** "Health maintenance organization" means a ~~foreign or domestic nonprofit~~ corporation organized under chapter 317A, or a local governmental unit as defined in subdivision 11, controlled and operated as provided in sections 62D.01 to 62D.30, which provides, either directly or through arrangements with providers or other persons, comprehensive health maintenance services, or arranges for the provision of these services, to enrollees on the basis of a fixed prepaid sum without regard to the frequency or extent of services furnished to any particular enrollee.

EFFECTIVE DATE. This section is effective January 1, 2019.

Sec. 2. Minnesota Statutes 2017 Supplement, section 62D.03, subdivision 1, is amended to read:

Subdivision 1. **Certificate of authority required.** Notwithstanding any law of this state to the contrary, any ~~foreign or domestic nonprofit~~ corporation organized to do so or a local governmental unit may apply to the commissioner of health for a certificate of authority to establish and operate a health maintenance organization in compliance with sections 62D.01 to 62D.30. No person shall establish or operate a health maintenance organization in this state, nor sell or offer to sell, or solicit offers to purchase or receive advance or periodic consideration in conjunction with a health maintenance organization or health maintenance contract unless the organization has a certificate of authority under sections 62D.01 to 62D.30.

EFFECTIVE DATE. This section is effective January 1, 2019.

Sec. 3. Minnesota Statutes 2017 Supplement, section 62D.05, subdivision 1, is amended to read:

Subdivision 1. **Authority granted.** Any nonprofit corporation or local governmental unit may, upon obtaining a certificate of authority as required in sections 62D.01 to 62D.30, operate as a health maintenance organization.

EFFECTIVE DATE. This section is effective January 1, 2019.

Sec. 4. Minnesota Statutes 2017 Supplement, section 62D.06, subdivision 1, is amended to read:

Subdivision 1. **Governing body composition; enrollee advisory body.** The governing body of any health maintenance organization which is a nonprofit corporation may include enrollees, providers, or other individuals; provided, however, that after a health maintenance organization which is a nonprofit corporation has been authorized under sections 62D.01 to 62D.30 for one year, at least 40 percent of the governing body shall be composed of enrollees and members elected by the enrollees and members from among the enrollees and members. For purposes of this section, "member" means a consumer who receives health care services through a self-insured contract that is administered by the health maintenance organization or its related third-party administrator. The number of members elected to the governing body shall not exceed the number of enrollees elected to the governing body. An enrollee or member elected to the governing board may not be a person:

(1) whose occupation involves, or before retirement involved, the administration of health activities or the provision of health services;

(2) who is or was employed by a health care facility as a licensed health professional; or

(3) who has or had a direct substantial financial or managerial interest in the rendering of a health service, other than the payment of a reasonable expense reimbursement or compensation as a member of the board of a health maintenance organization.

After a health maintenance organization which is a local governmental unit has been authorized under sections 62D.01 to 62D.30 for one year, an enrollee advisory body shall be established. The enrollees who make up this advisory body shall be elected by the enrollees from among the enrollees.

EFFECTIVE DATE. This section is effective January 1, 2019.

Sec. 5. Minnesota Statutes 2016, section 62D.12, is amended by adding a subdivision to read:

Subd. 8a. **Net earnings.** All net earnings of the nonprofit health maintenance organization shall be devoted to the nonprofit purposes of the health maintenance organization in providing comprehensive health care. No health maintenance organization shall provide for the payment, whether directly or indirectly, of any part of its net earnings, to any person as a dividend or rebate; provided, however, that the health maintenance organizations may make payments to providers or other persons based upon the efficient provision of services or as incentives to provide quality care. The commissioner of health shall, pursuant to sections 62D.01 to 62D.30, revoke the certificate of authority of any health maintenance organization in violation of this subdivision.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 6. Minnesota Statutes 2017 Supplement, section 62D.19, is amended to read:

62D.19 UNREASONABLE EXPENSES.

No health maintenance organization shall incur or pay for any expense of any nature which is unreasonably high in relation to the value of the service or goods provided. The commissioner of health shall implement and enforce this section by rules adopted under this section.

In an effort to achieve the stated purposes of sections 62D.01 to 62D.30; in order to safeguard the underlying nonprofit status of health maintenance organizations; and to ensure that the payment of health maintenance organization money to major participating entities results in a corresponding benefit to the health maintenance organization and its enrollees, when determining whether an organization has incurred an unreasonable expense in

relation to a major participating entity, due consideration shall be given to, in addition to any other appropriate factors, whether the officers and trustees of the health maintenance organization have acted with good faith and in the best interests of the health maintenance organization in entering into, and performing under, a contract under which the health maintenance organization has incurred an expense. The commissioner has standing to sue, on behalf of a health maintenance organization, officers or trustees of the health maintenance organization who have breached their fiduciary duty in entering into and performing such contracts.

EFFECTIVE DATE. This section is effective January 1, 2019.

Sec. 7. Minnesota Statutes 2017 Supplement, section 62E.02, subdivision 3, is amended to read:

Subd. 3. **Health maintenance organization.** "Health maintenance organization" means a nonprofit corporation licensed and operated as provided in chapter 62D.

EFFECTIVE DATE. This section is effective January 1, 2019."

Page 72, after line 22, insert:

"Sec. 90. **TRANSITION; HEALTH MAINTENANCE ORGANIZATIONS.**

(a) Beginning January 1, 2019, the commissioner of health shall only issue new certificates of authority for health maintenance organizations that are nonprofit corporations organized under Minnesota Statutes, chapter 317A, or local governmental units. A certificate of authority for a health maintenance organization that: (1) is not a nonprofit corporation organized under Minnesota Statutes, chapter 317A, or a local governmental unit; and (2) is issued before January 1, 2019, shall expire 30 days after the last date on which health maintenance contracts issued by that health maintenance organization expire.

(b) A health maintenance organization that is not a nonprofit corporation organized under Minnesota Statutes, chapter 317A, or a local governmental unit shall not offer, sell, issue, or renew health maintenance contracts after September 30, 2018."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

Albright moved to amend the Liebling amendment to H. F. No. 3138, the second engrossment, as amended, as follows:

Page 1, delete line 12 and insert:

"EFFECTIVE DATE. This section is effective contingent upon certification by the legislative auditor under section 91, that the criteria in clause (2) of that section are satisfied, but no earlier than January 1, 2019."

Page 1, delete line 24 and insert:

"EFFECTIVE DATE. This section is effective contingent upon certification by the legislative auditor under section 91, that the criteria in clause (2) of that section are satisfied, but no earlier than January 1, 2019."

Page 2, delete line 6 and insert:

"EFFECTIVE DATE. This section is effective contingent upon certification by the legislative auditor under section 91, that the criteria in clause (2) of that section are satisfied, but no earlier than January 1, 2019."

Page 2, delete line 31 and insert:

"EFFECTIVE DATE. This section is effective contingent upon certification by the legislative auditor under section 91, that the criteria in clause (2) of that section are satisfied, but no earlier than January 1, 2019."

Page 3, delete line 12 and insert:

"EFFECTIVE DATE. This section is effective contingent upon certification by the legislative auditor under section 91, that the criteria in clause (2) of that section are satisfied, and shall become effective the day following that certification by the legislative auditor."

Page 3, delete line 31 and insert:

"EFFECTIVE DATE. This section is effective contingent upon certification by the legislative auditor under section 91, that the criteria in clause (2) of that section are satisfied, but no earlier than January 1, 2019."

Page 4, delete line 5 and insert:

"EFFECTIVE DATE. This section is effective contingent upon certification by the legislative auditor under section 91, that the criteria in clause (2) of that section are satisfied, but no earlier than January 1, 2019."

Page 4, after line 17, insert:

"EFFECTIVE DATE. This section is effective contingent upon certification by the legislative auditor under section 91, that the criteria in clause (2) of that section are satisfied, but no earlier than July 1, 2018."

Page 4, before line 18, insert:

"Sec. 91. **ANALYSIS AND CERTIFICATION BY THE LEGISLATIVE AUDITOR.**

The legislative auditor shall analyze how enactment of Minnesota Statutes, section 62D.12, subdivision 8a, and of the amendments in this article to Minnesota Statutes, sections 62D.02, subdivision 4; 62D.03, subdivision 1; 62D.05, subdivision 1; 62D.06, subdivision 1; 62D.19; and 62E.02, subdivision 3, would affect competition and the number of health plan options available in the state in the individual, small group, and Medicare markets. Upon completion of this analysis, the legislative auditor shall certify that either:

(1) these amendments would result in reduced competition or fewer health plan options available in the state in the individual, small group, or Medicare market; or

(2) these amendments would not result in reduced competition or fewer health plan options available in the state in the individual, small group, and Medicare markets.

EFFECTIVE DATE. This section is effective the day following final enactment."

A roll call was requested and properly seconded.

The question was taken on the Albright amendment to the Liebling amendment and the roll was called. There were 77 yeas and 51 nays as follows:

Those who voted in the affirmative were:

Albright	Dean, M.	Haley	Loon	O'Neill	Smith
Anderson, P.	Dettmer	Hamilton	Loonan	Pelowski	Swedzinski
Anderson, S.	Drazkowski	Heintzeman	Lucero	Peppin	Theis
Anselmo	Erickson	Hertaus	Lueck	Petersburg	Torkelson
Backer	Fabian	Howe	Marquart	Peterson	Uglen
Bahr, C.	Fenton	Jessup	McDonald	Pierson	Urdahl
Baker	Franke	Johnson, B.	Miller	Poston	Vogel
Barr, R.	Franson	Jurgens	Munson	Pugh	West
Bennett	Garofalo	Kiel	Nash	Quam	Whelan
Bliss	Green	Koznick	Neu	Rarick	Wills
Christensen	Grossell	Kresha	Newberger	Runbeck	Zerwas
Daniels	Gruenhagen	Layman	Nornes	Schomacker	Spk. Daudt
Davids	Gunther	Lohmer	O'Driscoll	Scott	

Those who voted in the negative were:

Allen	Davnie	Hilstrom	Liebling	Murphy, E.	Sandstede
Applebaum	Dehn, R.	Hornstein	Lien	Murphy, M.	Sauke
Becker-Finn	Ecklund	Hortman	Loeffler	Nelson	Schultz
Bernardy	Fischer	Johnson, C.	Mahoney	Olson	Sundin
Bly	Flanagan	Knoblach	Mariani	Omar	Wagenius
Carlson, A.	Freiberg	Koegel	Masin	Pinto	Youakim
Carlson, L.	Halverson	Kunesh-Podein	Maye Quade	Poppe	
Clark	Hansen	Lee	Metsa	Pryor	
Considine	Hausman	Lesch	Moran	Rosenthal	

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Liebling amendment, as amended, and the roll was called. There were 113 yeas and 15 nays as follows:

Those who voted in the affirmative were:

Albright	Carlson, L.	Franson	Jessup	Lueck	Nornes
Allen	Clark	Freiberg	Johnson, B.	Mahoney	O'Driscoll
Anderson, P.	Considine	Garofalo	Johnson, C.	Mariani	Olson
Anderson, S.	Daniels	Green	Jurgens	Marquart	Omar
Anselmo	Davids	Grossell	Kiel	Masin	Pelowski
Applebaum	Davnie	Gunther	Knoblach	Maye Quade	Peppin
Backer	Dean, M.	Haley	Koegel	McDonald	Petersburg
Bahr, C.	Dehn, R.	Halverson	Kresha	Metsa	Pierson
Baker	Dettmer	Hamilton	Kunesh-Podein	Moran	Pinto
Barr, R.	Drazkowski	Hansen	Layman	Munson	Poppe
Becker-Finn	Ecklund	Hausman	Lee	Murphy, E.	Poston
Bennett	Fabian	Heintzeman	Lesch	Murphy, M.	Pryor
Bernardy	Fenton	Hertaus	Liebling	Nash	Pugh
Bliss	Fischer	Hilstrom	Lien	Nelson	Rosenthal
Bly	Flanagan	Hornstein	Loeffler	Neu	Runbeck
Carlson, A.	Franke	Hortman	Loon	Newberger	Sandstede

Sauke	Scott	Swedzinski	Urdahl	West	Youakim
Schomacker	Smith	Theis	Vogel	Whelan	Zerwas
Schultz	Sundin	Torkelson	Wagenius	Wills	

Those who voted in the negative were:

Christensen	Howe	Loonan	O'Neill	Rarick
Erickson	Koznick	Lucero	Peterson	Uglem
Gruenhagen	Lohmer	Miller	Quam	Spk. Daudt

The motion prevailed and the amendment, as amended, was adopted.

Lesch moved to amend H. F. No. 3138, the second engrossment, as amended, as follows:

Page 116, after line 15, insert:

"Section 1. Minnesota Statutes 2016, section 8.31, subdivision 1, is amended to read:

Subdivision 1. **Investigate offenses against provisions of certain designated sections; assist in enforcement.** The attorney general shall investigate violations of the law of this state respecting unfair, discriminatory, and other unlawful practices in business, commerce, or trade, and specifically, but not exclusively, prohibition against price gouging for essential off-patent or generic drugs (section 151.462), the Nonprofit Corporation Act (sections 317A.001 to 317A.909), the Act Against Unfair Discrimination and Competition (sections 325D.01 to 325D.07), the Unlawful Trade Practices Act (sections 325D.09 to 325D.16), the Antitrust Act (sections 325D.49 to 325D.66), section 325F.67 and other laws against false or fraudulent advertising, the antidiscrimination acts contained in section 325D.67, the act against monopolization of food products (section 325D.68), the act regulating telephone advertising services (section 325E.39), the Prevention of Consumer Fraud Act (sections 325F.68 to 325F.70), and chapter 53A regulating currency exchanges and assist in the enforcement of those laws as in this section provided.

EFFECTIVE DATE. This section is effective July 1, 2018."

Page 119, after line 9, insert:

"Sec. 3. Minnesota Statutes 2016, section 151.071, subdivision 2, is amended to read:

Subd. 2. **Grounds for disciplinary action.** The following conduct is prohibited and is grounds for disciplinary action:

(1) failure to demonstrate the qualifications or satisfy the requirements for a license or registration contained in this chapter or the rules of the board. The burden of proof is on the applicant to demonstrate such qualifications or satisfaction of such requirements;

(2) obtaining a license by fraud or by misleading the board in any way during the application process or obtaining a license by cheating, or attempting to subvert the licensing examination process. Conduct that subverts or attempts to subvert the licensing examination process includes, but is not limited to: (i) conduct that violates the security of the examination materials, such as removing examination materials from the examination room or having unauthorized possession of any portion of a future, current, or previously administered licensing examination; (ii) conduct that violates the standard of test administration, such as communicating with another examinee during administration of the examination, copying another examinee's answers, permitting another examinee to copy one's answers, or possessing unauthorized materials; or (iii) impersonating an examinee or permitting an impersonator to take the examination on one's own behalf;

(3) for a pharmacist, pharmacy technician, pharmacist intern, applicant for a pharmacist or pharmacy license, or applicant for a pharmacy technician or pharmacist intern registration, conviction of a felony reasonably related to the practice of pharmacy. Conviction as used in this subdivision includes a conviction of an offense that if committed in this state would be deemed a felony without regard to its designation elsewhere, or a criminal proceeding where a finding or verdict of guilt is made or returned but the adjudication of guilt is either withheld or not entered thereon. The board may delay the issuance of a new license or registration if the applicant has been charged with a felony until the matter has been adjudicated;

(4) for a facility, other than a pharmacy, licensed or registered by the board, if an owner or applicant is convicted of a felony reasonably related to the operation of the facility. The board may delay the issuance of a new license or registration if the owner or applicant has been charged with a felony until the matter has been adjudicated;

(5) for a controlled substance researcher, conviction of a felony reasonably related to controlled substances or to the practice of the researcher's profession. The board may delay the issuance of a registration if the applicant has been charged with a felony until the matter has been adjudicated;

(6) disciplinary action taken by another state or by one of this state's health licensing agencies:

(i) revocation, suspension, restriction, limitation, or other disciplinary action against a license or registration in another state or jurisdiction, failure to report to the board that charges or allegations regarding the person's license or registration have been brought in another state or jurisdiction, or having been refused a license or registration by any other state or jurisdiction. The board may delay the issuance of a new license or registration if an investigation or disciplinary action is pending in another state or jurisdiction until the investigation or action has been dismissed or otherwise resolved; and

(ii) revocation, suspension, restriction, limitation, or other disciplinary action against a license or registration issued by another of this state's health licensing agencies, failure to report to the board that charges regarding the person's license or registration have been brought by another of this state's health licensing agencies, or having been refused a license or registration by another of this state's health licensing agencies. The board may delay the issuance of a new license or registration if a disciplinary action is pending before another of this state's health licensing agencies until the action has been dismissed or otherwise resolved;

(7) for a pharmacist, pharmacy, pharmacy technician, or pharmacist intern, violation of any order of the board, of any of the provisions of this chapter or any rules of the board or violation of any federal, state, or local law or rule reasonably pertaining to the practice of pharmacy;

(8) for a facility, other than a pharmacy, licensed by the board, violations of any order of the board, of any of the provisions of this chapter or the rules of the board or violation of any federal, state, or local law relating to the operation of the facility;

(9) engaging in any unethical conduct; conduct likely to deceive, defraud, or harm the public, or demonstrating a willful or careless disregard for the health, welfare, or safety of a patient; or pharmacy practice that is professionally incompetent, in that it may create unnecessary danger to any patient's life, health, or safety, in any of which cases, proof of actual injury need not be established;

(10) aiding or abetting an unlicensed person in the practice of pharmacy, except that it is not a violation of this clause for a pharmacist to supervise a properly registered pharmacy technician or pharmacist intern if that person is performing duties allowed by this chapter or the rules of the board;

(11) for an individual licensed or registered by the board, adjudication as mentally ill or developmentally disabled, or as a chemically dependent person, a person dangerous to the public, a sexually dangerous person, or a person who has a sexual psychopathic personality, by a court of competent jurisdiction, within or without this state. Such adjudication shall automatically suspend a license for the duration thereof unless the board orders otherwise;

(12) for a pharmacist or pharmacy intern, engaging in unprofessional conduct as specified in the board's rules. In the case of a pharmacy technician, engaging in conduct specified in board rules that would be unprofessional if it were engaged in by a pharmacist or pharmacist intern or performing duties specifically reserved for pharmacists under this chapter or the rules of the board;

(13) for a pharmacy, operation of the pharmacy without a pharmacist present and on duty except as allowed by a variance approved by the board;

(14) for a pharmacist, the inability to practice pharmacy with reasonable skill and safety to patients by reason of illness, drunkenness, use of drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition, including deterioration through the aging process or loss of motor skills. In the case of registered pharmacy technicians, pharmacist interns, or controlled substance researchers, the inability to carry out duties allowed under this chapter or the rules of the board with reasonable skill and safety to patients by reason of illness, drunkenness, use of drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition, including deterioration through the aging process or loss of motor skills;

(15) for a pharmacist, pharmacy, pharmacist intern, pharmacy technician, medical gas distributor, or controlled substance researcher, revealing a privileged communication from or relating to a patient except when otherwise required or permitted by law;

(16) for a pharmacist or pharmacy, improper management of patient records, including failure to maintain adequate patient records, to comply with a patient's request made pursuant to sections 144.291 to 144.298, or to furnish a patient record or report required by law;

(17) fee splitting, including without limitation:

(i) paying, offering to pay, receiving, or agreeing to receive, a commission, rebate, kickback, or other form of remuneration, directly or indirectly, for the referral of patients; and

(ii) referring a patient to any health care provider as defined in sections 144.291 to 144.298 in which the licensee or registrant has a financial or economic interest as defined in section 144.6521, subdivision 3, unless the licensee or registrant has disclosed the licensee's or registrant's financial or economic interest in accordance with section 144.6521;

(18) engaging in abusive or fraudulent billing practices, including violations of the federal Medicare and Medicaid laws or state medical assistance laws or rules;

(19) engaging in conduct with a patient that is sexual or may reasonably be interpreted by the patient as sexual, or in any verbal behavior that is seductive or sexually demeaning to a patient;

(20) failure to make reports as required by section 151.072 or to cooperate with an investigation of the board as required by section 151.074;

(21) knowingly providing false or misleading information that is directly related to the care of a patient unless done for an accepted therapeutic purpose such as the dispensing and administration of a placebo;

(22) aiding suicide or aiding attempted suicide in violation of section 609.215 as established by any of the following:

(i) a copy of the record of criminal conviction or plea of guilty for a felony in violation of section 609.215, subdivision 1 or 2;

(ii) a copy of the record of a judgment of contempt of court for violating an injunction issued under section 609.215, subdivision 4;

(iii) a copy of the record of a judgment assessing damages under section 609.215, subdivision 5; or

(iv) a finding by the board that the person violated section 609.215, subdivision 1 or 2. The board shall investigate any complaint of a violation of section 609.215, subdivision 1 or 2;

(23) for a pharmacist, practice of pharmacy under a lapsed or nonrenewed license. For a pharmacist intern, pharmacy technician, or controlled substance researcher, performing duties permitted to such individuals by this chapter or the rules of the board under a lapsed or nonrenewed registration. For a facility required to be licensed under this chapter, operation of the facility under a lapsed or nonrenewed license or registration; ~~and~~

(24) for a pharmacist, pharmacist intern, or pharmacy technician, termination or discharge from the health professionals services program for reasons other than the satisfactory completion of the program; and

(25) for a manufacturer or wholesale drug distributor, a violation of section 151.462.

EFFECTIVE DATE. This section is effective July 1, 2018."

Page 119, after line 20, insert:

"Sec. 5. **[151.462] PROHIBITION AGAINST PRICE GOUGING FOR ESSENTIAL OFF-PATENT OR GENERIC DRUGS.**

Subdivision 1. **Definitions.** (a) For purposes of this section, the following definitions apply.

(b) "Essential off-patent or generic drug" means any prescription drug:

(1) for which all exclusive marketing rights, if any, granted under the federal Food, Drug, and Cosmetic Act, United States Code, title 21, chapter 9; section 351 of the federal Public Health Service Act, United States Code, title 42, section 262; and federal patent law have expired;

(2) that has been designated by the board or commissioner of human services as an essential medicine due to its efficacy in treating a life-threatening health condition or a chronic health condition that substantially impairs an individual's ability to engage in activities of daily living;

(3) that is actively manufactured and marketed for sale in the United States by three or fewer manufacturers; and

(4) that is made available for sale in the state of Minnesota.

Essential off-patent or generic drug includes any drug-device combination product used for the delivery of a drug for which all exclusive marketing rights, if any, granted under the federal Food, Drug, and Cosmetic Act, section 351 of the federal Public Health Service Act, and federal patent law have expired.

(c) "Health plan company" has the meaning provided in section 62Q.01, subdivision 4.

(d) "Price gouging" means an unconscionable increase in the price of a prescription drug.

(e) "Unconscionable increase" means an increase in the price of a prescription drug that:

(1) is excessive and not justified by the cost of producing the drug or the cost of appropriate expansion of access to the drug to promote public health; and

(2) results in consumers for whom the drug has been prescribed, the commissioner of human services, and health plan companies having no meaningful choice about whether to purchase the drug at an excessive price because of:

(i) the importance of the drug to the health of the consumer; and

(ii) insufficient competition in the market for the drug.

(f) "Wholesale acquisition cost" has the meaning given in United States Code, title 42, section 1395w-3a.

Subd. 2. **Prohibition.** A manufacturer or wholesale drug distributor may not engage in price gouging in the sale of an essential off-patent or generic drug. It is not a violation of this subdivision for a wholesale drug distributor to increase the price of an essential off-patent or generic drug if the price increase is directly attributable to additional costs for the drug imposed on the wholesale drug distributor by the manufacturer of the drug.

Subd. 3. **Notification of attorney general.** (a) The board, the commissioner of human services, or a health plan company may notify the attorney general of any increase in the price of an essential off-patent or generic drug when:

(1) the price increase, by itself or in combination with other price increases:

(i) would result in an increase of 50 percent or more, compared to the preceding one-year period, in the wholesale acquisition cost of the drug or other relevant measure of drug cost; or

(ii) would result in an increase of 50 percent or more in the price paid by the medical assistance or MinnesotaCare programs, or the health plan company, for the drug compared to the preceding one-year period; and

(2)(i) a 30-day supply of the maximum recommended dosage of the drug for any indication, according to the label for the drug approved under the federal Food, Drug, and Cosmetic Act, would cost more than \$80 at the drug's wholesale acquisition cost;

(ii) a full course of treatment with the drug, according to the label for the drug approved under the federal Food, Drug, and Cosmetic Act, would cost more than \$80 at the drug's wholesale acquisition cost; or

(iii) if the drug is made available to consumers only in quantities that do not correspond to a 30-day supply, a full course of treatment, or a single dose, it would cost more than \$80 at the drug's wholesale acquisition cost to obtain a 30-day supply or a full course of treatment.

The commissioner of human services and the health plan company shall notify the board of any notification to the attorney general provided under this paragraph.

(b) On request of the attorney general, the manufacturer of an essential off-patent or generic drug identified in a notice under paragraph (a) shall, within 45 days after the request, submit a statement to the attorney general:

(1) itemizing the components of the cost of producing the drug;

(2) identifying the circumstances and timing of any increase in materials or manufacturing costs that caused any increase in the price of the drug within the one-year period preceding the date of the price increase;

(3) identifying the circumstances and timing of any expenditures made by the manufacturer to expand access to the drug and explaining any improvement in public health associated with those expenditures; and

(4) providing any other information that the manufacturer believes to be relevant to a determination of whether a violation of this section has occurred.

(c) The attorney general may require a manufacturer or a wholesale drug distributor to produce any records or other documents that may be relevant to a determination of whether a violation of this section has occurred. The attorney general or a person may use the powers and procedures provided in this section or section 8.31.

(d) The attorney general may not bring an action for a remedy under paragraph (c) unless the attorney general has provided the manufacturer or wholesale drug distributor an opportunity to meet with the attorney general to offer a justification for the increase in the price of the essential off-patent or generic drug.

(e) The attorney general shall make any information provided by a health plan company, manufacturer, or wholesale drug distributor under paragraphs (a), (b), and (c) available to the board upon request. Any information provided by a health plan company, manufacturer, or wholesale drug distributor to the attorney general under paragraphs (a), (b), and (c) shall be treated as nonpublic data under section 13.02, subdivision 9, unless the nonpublic classification of the information is waived by the health plan company, manufacturer, or wholesale drug distributor.

(f) In any action brought by the attorney general under paragraph (c), a person who is alleged to have violated a requirement of this section may not assert as a defense that the person did not deal directly with a consumer residing in the state.

Subd. 4. **Private right of action.** In addition to remedies otherwise provided by law, any person injured by a violation of this section may bring a civil action and recover damages, together with costs and disbursements, including costs of investigation and reasonable attorney fees, and receive other equitable relief as determined by the court. The court may, as appropriate, enter a consent judgment or decree without the finding of illegality. Any civil action brought under this subdivision is for the benefit of the public.

EFFECTIVE DATE. This section is effective July 1, 2018."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

Loonan moved to amend the Lesch amendment to H. F. No. 3138, the second engrossment, as amended, as follows:

Page 8, after line 33, insert:

"Subd. 5. **Personal financial liability.** Notwithstanding section 3.736, the attorney general shall be personally financially liable for all legal costs to the state resulting from any legal proceeding that results in a state or federal court ruling that this section is not constitutional."

Page 9, line 1, after "effective" insert "contingent upon certification by the attorney general under section 9, that the criteria in clause (1) of that section are satisfied, but no earlier than"

Page 9, after line 1, insert:

"Page 131, after line 9, insert:

"Sec. 9. **CERTIFICATION BY THE ATTORNEY GENERAL.**

The attorney general shall analyze whether implementation of Minnesota Statutes, section 151.462, would be constitutional under the United States Constitution and the Minnesota Constitution. Upon completion of this analysis, the attorney general shall certify that either:

(1) implementation of the section would be constitutional; or

(2) implementation of the section would not be constitutional.

EFFECTIVE DATE. This section is effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Lesch amendment, as amended, and the roll was called. There were 119 yeas and 8 nays as follows:

Those who voted in the affirmative were:

Albright	Christensen	Franke	Hornstein	Liebling	Miller
Allen	Clark	Franson	Hortman	Lien	Moran
Anderson, P.	Considine	Freiberg	Howe	Loeffler	Munson
Anderson, S.	Daniels	Garofalo	Jessup	Lohmer	Murphy, M.
Anselmo	Davids	Green	Johnson, B.	Loon	Nash
Backer	Davnie	Grossell	Johnson, C.	Loonan	Nelson
Bahr, C.	Dean, M.	Gruenhagen	Jurgens	Lucero	Neu
Baker	Dettmer	Gunther	Kiel	Lueck	Newberger
Barr, R.	Drazkowski	Haley	Knoblach	Mahoney	Nornes
Becker-Finn	Ecklund	Halverson	Koegel	Mariani	O'Driscoll
Bennett	Erickson	Hamilton	Koznick	Marquart	Olson
Bliss	Fabian	Hausman	Kresha	Masin	O'Neill
Bly	Fenton	Heintzeman	Kunesh-Podein	Maye Quade	Pelowski
Carlson, A.	Fischer	Hertaus	Layman	McDonald	Peppin
Carlson, L.	Flanagan	Hilstrom	Lesch	Metsa	Petersburg

Peterson	Pugh	Sandstede	Smith	Urdahl	Wills
Pierson	Quam	Sauke	Swedzinski	Vogel	Youakim
Poppe	Rarick	Schomacker	Theis	Wagenius	Zerwas
Poston	Rosenthal	Schultz	Torkelson	West	Spk. Daudt
Pryor	Runbeck	Scott	Uglen	Whelan	

Those who voted in the negative were:

Applebaum	Dehn, R.	Lee	Omar
Bernardy	Hansen	Murphy, E.	Pinto

The motion prevailed and the amendment, as amended, was adopted.

Lesch was excused between the hours of 1:45 p.m. and 4:45 p.m.

Rosenthal moved to amend H. F. No. 3138, the second engrossment, as amended, as follows:

Page 67, after line 19, insert:

"Sec. 82. Minnesota Statutes 2016, section 148.995, subdivision 2, is amended to read:

Subd. 2. **Certified doula.** "Certified doula" means an individual who has received a certification to perform doula services from the International Childbirth Education Association, the Doulas of North America (DONA), the Association of Labor Assistants and Childbirth Educators (ALACE), Birthworks, the Childbirth and Postpartum Professional Association (CAPPA), Childbirth International, the International Center for Traditional Childbearing, ~~or~~ Commonsense Childbirth, Inc., or Welcome Baby Care."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Kiel moved to amend H. F. No. 3138, the second engrossment, as amended, as follows:

Page 182, line 24, delete "and section 144.6511"

Page 186, after line 31, insert:

"(a) For purposes of this section, "facility" means a facility listed in section 144.651, subdivision 2, paragraph (d); a housing with services establishment registered under chapter 144D; or an assisted living setting regulated under chapter 144G."

Page 186, line 32, delete "(a)" and insert "(b)" and after "practices" insert "by a facility or by a home care provider licensed under sections 144A.43 to 144A.482,"

Page 186, line 33, delete "(b)" and insert "(c)" and after "facility" insert "or home care provider"

Page 198, after line 8, insert:

"Sec. 23. Minnesota Statutes 2016, section 144A.479, is amended by adding a subdivision to read:

Subd. 2a. **Deceptive marketing and business practices.** Deceptive marketing and business practices by a home care provider are prohibited. For purposes of this subdivision, it is a deceptive practice for a home care provider to engage in any conduct listed in section 144.6511."

Page 202, line 2, after the semicolon, insert "and"

Page 202, line 5, delete "; and" and insert a period

Page 202, delete lines 6 to 13 and insert:

"Sec. 28. Minnesota Statutes 2016, section 144A.53, is amended by adding a subdivision to read:

Subd. 7. **Posting maltreatment reports, correction orders, certification deficiencies.** (a) The director shall post on the Department of Health Web site the following information for the past three years:

(1) the public portions of all substantiated reports of maltreatment of a vulnerable adult at a facility or by a provider for which the Department of Health is the lead investigative agency under section 626.557;

(2) all state licensing correction orders and federal certification deficiencies that are issued as a result of an investigation of maltreatment of a vulnerable adult and issued to a facility or provider for which the Department of Health is the lead investigative agency under section 626.557; and

(3) whether the facility or provider has requested reconsideration or initiated any type of dispute resolution or appeal of the correction order, deficiency, or report.

(b) Following a reconsideration, dispute resolution, or appeal, the director must update the information posted under this subdivision to reflect the results of the reconsideration, dispute resolution, or appeal. The director must also update the information posted under this subdivision regarding a correction order issued to a facility or provider to indicate that the facility or provider is in substantial compliance with the correction order, upon a determination of substantial compliance by the commissioner.

(c) The information posted under this subdivision must be posted in coordination with other divisions or sections at the Department of Health and in a manner that does not duplicate information already published by the Department of Health, and must be posted in a format that allows consumers to search the information by facility or provider name and by the physical address of the facility or the local business address of the provider."

Page 238, delete section 59

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Haley moved to amend H. F. No. 3138, the second engrossment, as amended, as follows:

Page 95, line 29, delete everything after "(b)"

Page 95, delete lines 30 to 32 and insert "The legislative auditor may secure de-identified data necessary to complete the study and recommendations according to this subdivision directly from health carriers. For purposes of this paragraph "de-identified" means a process to remove all identifiable information regarding an individual or group from data. Data classified as nonpublic data or private data on individuals, as defined in section 13.02, subdivisions 9 and 12, remains classified as such."

Hansen moved to amend the Haley amendment to H. F. No. 3138, the second engrossment, as amended, as follows:

Page 1, after line 8, insert:

"Page 96, after line 12, insert:

"EFFECTIVE DATE. This section is effective contingent upon the Legislative Audit Commission selecting the study described in this section as a topic for review by the legislative auditor, but no earlier than July 1, 2018."

A roll call was requested and properly seconded.

The question was taken on the Hansen amendment to the Haley amendment and the roll was called. There were 49 yeas and 77 nays as follows:

Those who voted in the affirmative were:

Allen	Davnie	Hilstrom	Mahoney	Olson	Schultz
Applebaum	Dehn, R.	Hornstein	Mariani	Omar	Sundin
Becker-Finn	Ecklund	Hortman	Marquart	Pelowski	Wagenius
Bernardy	Fischer	Johnson, C.	Masin	Pinto	Youakim
Bly	Flanagan	Koegel	Maye Quade	Poppe	
Carlson, A.	Freiberg	Kunesh-Podein	Metsa	Pryor	
Carlson, L.	Halverson	Lee	Moran	Rosenthal	
Clark	Hansen	Lien	Murphy, E.	Sandstede	
Considine	Hausman	Loeffler	Nelson	Sauke	

Those who voted in the negative were:

Albright	Bliss	Fenton	Hamilton	Knoblach	McDonald
Anderson, P.	Christensen	Franke	Heintzeman	Koznick	Miller
Anderson, S.	Daniels	Franson	Hertaus	Kresha	Munson
Anselmo	Dauids	Garofalo	Hoppe	Layman	Nash
Backer	Dean, M.	Green	Howe	Lohmer	Neu
Bahr, C.	Dettmer	Grossell	Jessup	Loon	Newberger
Baker	Drazkowski	Gruenhagen	Johnson, B.	Loonan	Nornes
Barr, R.	Erickson	Gunther	Jurgens	Lucero	O'Driscoll
Bennett	Fabian	Haley	Kiel	Lueck	O'Neill

Peppin	Poston	Runbeck	Swedzinski	Urdahl	Wills
Petersburg	Pugh	Schomacker	Theis	Vogel	Zerwas
Peterson	Quam	Scott	Torkelson	West	Spk. Daudt
Pierson	Rarick	Smith	Uglen	Whelan	

The motion did not prevail and the amendment to the amendment was not adopted.

The Speaker called Garofalo to the Chair.

The question recurred on the Haley amendment to H. F. No. 3138, the second engrossment, as amended. The motion prevailed and the amendment was adopted.

Hausman was excused between the hours of 2:30 p.m. and 4:10 p.m.

Johnson, C., moved to amend H. F. No. 3138, the second engrossment, as amended, as follows:

Page 93, line 28, delete "(a)"

Page 94, delete lines 3 to 8

Page 305, delete section 3

ReNUMBER the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Johnson, C., amendment and the roll was called. There were 51 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Allen	Davnie	Hilstrom	Loeffler	Murphy, M.	Sandstede
Applebaum	Dehn, R.	Hornstein	Mahoney	Nelson	Sauke
Becker-Finn	Ecklund	Hortman	Mariani	Olson	Schultz
Bernardy	Fischer	Johnson, C.	Marquart	Omar	Sundin
Bly	Flanagan	Koegel	Masin	Pelowski	Wagenius
Carlson, A.	Franke	Kunesh-Podein	Maye Quade	Pinto	Youakim
Carlson, L.	Freiberg	Lee	Metsa	Poppe	
Clark	Halverson	Liebling	Moran	Pryor	
Considine	Hansen	Lien	Murphy, E.	Rosenthal	

Those who voted in the negative were:

Albright	Anselmo	Baker	Bliss	Davids	Drazkowski
Anderson, P.	Backer	Barr, R.	Christensen	Dean, M.	Erickson
Anderson, S.	Bahr, C.	Bennett	Daniels	Dettmer	Fabian

Fenton	Hertaus	Layman	Neu	Pugh	Uglem
Franson	Hoppe	Lohmer	Newberger	Quam	Urdahl
Garofalo	Howe	Loon	Nornes	Rarick	Vogel
Green	Jessup	Loonan	O'Driscoll	Runbeck	West
Grossell	Johnson, B.	Lucero	O'Neill	Schomacker	Whelan
Gruenhagen	Jurgens	Lueck	Peppin	Scott	Wills
Gunther	Kiel	McDonald	Petersburg	Smith	Zerwas
Haley	Knoblach	Miller	Peterson	Swedzinski	Spk. Daudt
Hamilton	Koznick	Munson	Pierson	Theis	
Heintzeman	Kresha	Nash	Poston	Torkelson	

The motion did not prevail and the amendment was not adopted.

Olson offered an amendment to H. F. No. 3138, the second engrossment, as amended.

POINT OF ORDER

Kiel raised a point of order pursuant to rule 4.03, relating to Ways and Means Committee; Budget Resolution; Effect on Expenditure and Revenue Bills, that the Olson amendment was not in order. Speaker pro tempore Garofalo ruled the point of order well taken and the Olson amendment out of order.

Schultz appealed the decision of Speaker pro tempore Garofalo.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of Speaker pro tempore Garofalo stand as the judgment of the House?" and the roll was called. There were 77 yeas and 50 nays as follows:

Those who voted in the affirmative were:

Albright	Dean, M.	Haley	Layman	O'Driscoll	Smith
Anderson, P.	Dettmer	Hamilton	Lohmer	O'Neill	Swedzinski
Anderson, S.	Drazkowski	Heintzeman	Loon	Peppin	Theis
Anselmo	Erickson	Hertaus	Loonan	Petersburg	Torkelson
Backer	Fabian	Hoppe	Lucero	Peterson	Uglem
Bahr, C.	Fenton	Howe	Lueck	Pierson	Urdahl
Baker	Franke	Jessup	McDonald	Poston	Vogel
Barr, R.	Franson	Johnson, B.	Miller	Pugh	West
Bennett	Garofalo	Jurgens	Munson	Quam	Whelan
Bliss	Green	Kiel	Nash	Rarick	Wills
Christensen	Grossell	Knoblach	Neu	Runbeck	Zerwas
Daniels	Gruenhagen	Koznick	Newberger	Schomacker	Spk. Daudt
Davids	Gunther	Kresha	Nornes	Scott	

Those who voted in the negative were:

Allen	Bernardy	Carlson, L.	Davnie	Fischer	Halverson
Applebaum	Bly	Clark	Dehn, R.	Flanagan	Hansen
Becker-Finn	Carlson, A.	Considine	Ecklund	Freiberg	Hilstrom

Hornstein	Liebling	Masin	Nelson	Pryor	Wagenius
Hortman	Lien	Maye Quade	Olson	Rosenthal	Youakim
Johnson, C.	Loeffler	Metsa	Omar	Sandstede	
Koegel	Mahoney	Moran	Pelowski	Sauke	
Kunesh-Podein	Mariani	Murphy, E.	Pinto	Schultz	
Lee	Marquart	Murphy, M.	Poppe	Sundin	

So it was the judgment of the House that the decision of Speaker pro tempore Garofalo should stand.

Murphy, E., moved to amend H. F. No. 3138, the second engrossment, as amended, as follows:

Page 76, after line 10, insert:

"Sec. 4. **[62Q.521] COVERAGE OF CONTRACEPTIVE METHODS AND SERVICES.**

Subdivision 1. Definitions. (a) The definitions in this subdivision apply to this section.

(b) "Contraceptive method" means a drug, device, or other product approved by the Food and Drug Administration to prevent unintended pregnancy.

(c) "Contraceptive service" means consultation, examination, procedures, and medical services related to the use of a contraceptive method, including natural family planning, to prevent an unintended pregnancy.

(d) "Therapeutic equivalent version" means a drug, device, or product that can be expected to have the same clinical effect and safety profile when administered to a patient under the condition specified in the labeling and that:

(1) is approved as safe and effective;

(2) is a pharmaceutical equivalent in that the drug, device, or product contains identical amounts of the same active drug ingredient in the same dosage form and route of administration, and the drug, device, or product meets compendial or other applicable standards of strength, quality, purity, and identity;

(3) is bioequivalent in that:

(i) the drug, device, or product does not present a known or potential bioequivalence problem and meets an acceptable in vitro standard; or

(ii) if the drug, device, or product does present a known or potential bioequivalence problem, it is shown to meet an appropriate bioequivalence standard;

(4) is adequately labeled; and

(5) is manufactured in compliance with current manufacturing practice regulations.

Subd. 2. Required coverage; cost sharing prohibited. (a) A health plan must provide coverage for:

(1) all contraceptive methods, including over-the-counter contraceptives, but excluding male condoms;

(2) voluntary sterilization procedures;

(3) contraceptive services, patient education, and counseling on contraception; and

(4) follow-up services related to contraceptive methods, voluntary sterilization procedures, and contraceptive services, including but not limited to management of side effects, counseling for continued adherence, and device insertion and removal.

(b) A health plan company shall not require any cost-sharing requirements, including co-pays, deductibles, and coinsurance, for the coverage required by this section.

(c) A health plan company shall not include any referral requirements or restrictions, or require a delay for the coverage required by this section.

(d) If the Food and Drug Administration has approved more than one therapeutic equivalent version of a contraceptive method, a health plan is not required to include more than one therapeutic equivalent version in its formulary.

(e) If a provider recommends a specific contraceptive method to an enrollee, the health plan company must provide coverage for the contraceptive method.

(f) If a contraceptive method is not covered by a health plan, the health plan company must provide enrollees with an easily accessible, transparent, and expedient process, that is not unduly burdensome to the enrollee, to request coverage of the contraceptive method by the health plan.

(g) Nothing in this section allows for the exclusion of coverage for a contraceptive method prescribed by a provider, acting within the provider's scope of practice, for reasons other than contraceptive purposes, such as decreasing the risk of ovarian cancer or eliminating symptoms of menopause, or for contraception that is necessary to preserve the life or health of an enrollee.

Subd. 3. Religious employers; exempt. For purposes of this subdivision, a "religious employer" means an employer that is a nonprofit entity and meets the requirements of section 6033(a)(3)(A)(i) or (iii) of the Internal Revenue Code of 1986, as amended (2018). A religious employer is exempt from this section if the religious employer provides all employees and prospective employees with reasonable and timely notice of the exemption prior to their enrollment in the health plan. The notice must provide a list of the contraceptive methods the employer refuses to cover for religious reasons.

Subd. 4. Accommodation for eligible organizations. (a) An organization is an "eligible organization" if it:

(1) is a nonprofit entity that holds itself as a religious organization and opposes providing coverage for some or all contraceptive methods or services required to be covered by this section on account of religious objections; or

(2) is a closely held for-profit entity and the organization's highest governing body has adopted a resolution or similar action, under the organization's applicable rules of governance and consistent with state law, establishing that it objects to covering some or all of the contraceptive methods or services on account of the owners' sincerely held religious beliefs; and

(3) submits a notice to its health plan company stating that it qualifies as an eligible organization under this subdivision and that it has a religious objection to coverage for all, or a subset of, contraceptive methods or services.

(b) For purposes of paragraph (a), clause (2), a closely held for-profit entity is an entity that has:

(1) more than 50 percent of the value of its ownership interest owned directly or indirectly by five or fewer individuals, or has an ownership structure that is substantially similar; and

(2) no publicly traded ownership interest, meaning any class of common equity securities required to be registered under United States Code, chapter 15, section 78l.

(c) For purposes of paragraph (b), ownership interests owned by:

(1) a corporation, partnership, estate, or trust are considered owned proportionately by the entity's respective shareholders, partners, or beneficiaries;

(2) an individual are considered owned, directly or indirectly, by or for the individual's family. For purposes of this clause, "family" includes brothers and sisters, including half-brothers and half-sisters, a spouse, ancestors, and lineal descendants; and

(3) the person that holds the option to purchase an ownership interest are considered to be the owner of those ownership interests.

(d) A health plan company that receives the notice described in paragraph (a) must:

(1) exclude coverage of contraceptive methods and services, as requested by the eligible organization, from the health plan; and

(2) provide enrollees with a separate payment for any contraceptive methods and services that would be covered if the organization was not an eligible organization.

(e) The requirements of subdivision 2 apply to payments made by a health plan company under this subdivision.

EFFECTIVE DATE. This section is effective January 1, 2020, and applies to coverage offered, sold, issued, or renewed on or after that date."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

Scott moved to amend the Murphy, E., amendment to H. F. No. 3138, the second engrossment, as amended, as follows:

Page 1, line 7, after "pregnancy" insert ", but does not include any drug, device, or other product that is used to intentionally terminate the pregnancy of a woman known to be pregnant"

Page 3, line 9, delete "or"

Page 3, line 13, after the semicolon, insert "or"

Page 3, delete line 14

Page 3, before line 15, insert:

"(3) is an employer that objects to health plan coverage for all, or a subset of, contraceptive methods or services based on sincerely held religious beliefs; and"

Page 3 line 15, delete "(3)" and insert "(4)"

Page 4, after line 6, insert:

"Subd. 5. **Persons with sincerely held religious beliefs.** A person who objects to health plan coverage for all or a subset of contraceptive methods or services based on sincerely held religious beliefs must submit a notice to the person's health plan company specifying the contraceptive methods or services to which the person objects based on the person's sincerely held religious beliefs. A health plan company that receives this notice must exclude from coverage in the person's health plan, the contraceptive methods and services to which the person objects. A health plan company is prohibited from charging a person who objects to health plan coverage for all or a subset of contraceptive methods or services based on sincerely held religious beliefs, for costs attributable to coverage of the contraceptive method or service to which the person objects."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Scott amendment to the Murphy, E., amendment and the roll was called. There were 78 yeas and 48 nays as follows:

Those who voted in the affirmative were:

Albright	Dettmer	Hamilton	Lohmer	O'Driscoll	Scott
Anderson, P.	Drazkowski	Heintzeman	Loon	O'Neill	Smith
Anderson, S.	Erickson	Hertaus	Loonan	Pelowski	Swedzinski
Backer	Fabian	Hoppe	Lucero	Peppin	Theis
Bahr, C.	Fenton	Howe	Lueck	Petersburg	Torkelson
Baker	Franke	Jessup	Marquart	Peterson	Uglem
Barr, R.	Franson	Johnson, B.	McDonald	Pierson	Urdahl
Bennett	Garofalo	Jurgens	Miller	Poston	Vogel
Bliss	Green	Kiel	Munson	Pugh	West
Christensen	Grossell	Knoblach	Nash	Quam	Whelan
Daniels	Gruenhagen	Koznick	Neu	Rarick	Wills
Davids	Gunther	Kresha	Newberger	Runbeck	Zerwas
Dean, M.	Haley	Layman	Nornes	Schomacker	Spk. Daudt

Those who voted in the negative were:

Allen	Bly	Davnie	Halverson	Johnson, C.	Lien
Anselmo	Carlson, A.	Dehn, R.	Hansen	Koegel	Loeffler
Applebaum	Carlson, L.	Fischer	Hilstrom	Kunesh-Podein	Mahoney
Becker-Finn	Clark	Flanagan	Hornstein	Lee	Mariani
Bernardy	Considine	Freiberg	Hortman	Liebling	Masin

Maye Quade	Murphy, E.	Olson	Poppe	Sandstede	Sundin
Metsa	Murphy, M.	Omar	Pryor	Sauke	Wagenius
Moran	Nelson	Pinto	Rosenthal	Schultz	Youakim

The motion prevailed and the amendment to the amendment was adopted.

POINT OF ORDER

Anderson, S., raised a point of order pursuant to rule 3.21 that the Murphy, E., amendment, as amended, was not in order. Speaker pro tempore Garofalo ruled the point of order not well taken and the Murphy, E., amendment, as amended, in order.

The question recurred on the Murphy, E., amendment, as amended, and the roll was called. There were 0 yeas and 123 nays as follows:

Those who voted in the negative were:

Albright	Davnie	Hansen	Lien	Newberger	Schomacker
Allen	Dean, M.	Heintzeman	Loeffler	Nornes	Schultz
Anderson, P.	Dehn, R.	Hertaus	Lohmer	O'Driscoll	Scott
Anderson, S.	Dettmer	Hilstrom	Loon	Olson	Smith
Anselmo	Drazkowski	Hoppe	Loonan	Omar	Sundin
Applebaum	Ecklund	Hornstein	Lucero	Pelowski	Swedzinski
Backer	Erickson	Hortman	Lueck	Peppin	Theis
Bahr, C.	Fabian	Howe	Mahoney	Petersburg	Torkelson
Barr, R.	Fenton	Jessup	Mariani	Peterson	Uglen
Becker-Finn	Fischer	Johnson, B.	Marquart	Pierson	Urdahl
Bennett	Flanagan	Johnson, C.	Masin	Pinto	Vogel
Bernardy	Franke	Jurgens	Maye Quade	Poppe	Wagenius
Bliss	Franson	Kiel	McDonald	Poston	West
Bly	Freiberg	Knoblach	Metsa	Pryor	Whelan
Carlson, A.	Garofalo	Koegel	Miller	Pugh	Wills
Carlson, L.	Green	Koznick	Moran	Quam	Youakim
Christensen	Grossell	Kresha	Munson	Rarick	Zerwas
Clark	Gruenhagen	Kunesh-Podein	Murphy, E.	Rosenthal	Spk. Daudt
Considine	Gunther	Layman	Murphy, M.	Runbeck	
Daniels	Haley	Lee	Nelson	Sandstede	
Davids	Halverson	Liebling	Neu	Sauke	

The motion did not prevail and the amendment, as amended, was not adopted.

Halverson moved to amend H. F. No. 3138, the second engrossment, as amended, as follows:

Page 75, delete section 3

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion did not prevail and the amendment was not adopted.

Franson moved to amend H. F. No. 3138, the second engrossment, as amended, as follows:

Page 244, after line 11, insert:

"Sec. 9. Minnesota Statutes 2017 Supplement, section 245A.41, subdivision 3, is amended to read:

Subd. 3. **Emergency preparedness.** (a) No later than September 30, 2017, a licensed child care center must have a written emergency plan for emergencies that require evacuation, sheltering, or other protection of a child, such as fire, natural disaster, intruder, or other threatening situation that may pose a health or safety hazard to a child. The plan must be written on a form developed by the commissioner and must include:

- (1) procedures for an evacuation, relocation, shelter-in-place, or lockdown;
- (2) a designated relocation site and evacuation route;
- (3) procedures for notifying a child's parent or legal guardian of the evacuation, relocation, shelter-in-place, or lockdown, including procedures for reunification with families;
- (4) accommodations for a child with a disability or a chronic medical condition;
- (5) procedures for storing a child's medically necessary medicine that facilitates easy removal during an evacuation or relocation;
- (6) procedures for continuing operations in the period during and after a crisis; and
- (7) procedures for communicating with local emergency management officials, law enforcement officials, or other appropriate state or local authorities.

(b) The license holder must train staff persons on the emergency plan at orientation, when changes are made to the plan, and at least once each calendar year. Training must be documented in each staff person's personnel file.

(c) The license holder must conduct drills according to the requirements in Minnesota Rules, part 9503.0110, subpart 3. The date and time of the drills must be documented.

(d) The license holder must review and update the emergency plan annually. Documentation of the annual emergency plan review shall be maintained in the program's administrative records.

~~(e) The license holder must include the emergency plan in the program's policies and procedures as specified under section 245A.04, subdivision 14. The license holder must provide a physical or electronic copy of the emergency plan to the child's parent or legal guardian upon enrollment.~~

~~(e)~~ (e) The relocation site and evacuation route must be posted in a visible place as part of the written procedures for emergencies and accidents in Minnesota Rules, part 9503.0140, subpart 21."

Page 245, after line 14, insert:

"Sec. 10. Minnesota Statutes 2017 Supplement, section 245A.51, subdivision 3, is amended to read:

Subd. 3. **Emergency preparedness plan.** (a) No later than September 30, 2017, a licensed family child care provider must have a written emergency preparedness plan for emergencies that require evacuation, sheltering, or other protection of children, such as fire, natural disaster, intruder, or other threatening situation that may pose a health or safety hazard to children. The plan must be written on a form developed by the commissioner and updated at least annually. The plan must include:

- (1) procedures for an evacuation, relocation, shelter-in-place, or lockdown;
 - (2) a designated relocation site and evacuation route;
 - (3) procedures for notifying a child's parent or legal guardian of the evacuation, shelter-in-place, or lockdown, including procedures for reunification with families;
 - (4) accommodations for a child with a disability or a chronic medical condition;
 - (5) procedures for storing a child's medically necessary medicine that facilitate easy removal during an evacuation or relocation;
 - (6) procedures for continuing operations in the period during and after a crisis; and
 - (7) procedures for communicating with local emergency management officials, law enforcement officials, or other appropriate state or local authorities.
- (b) The license holder must train caregivers before the caregiver provides care and at least annually on the emergency preparedness plan and document completion of this training.
- (c) The license holder must conduct drills according to the requirements in Minnesota Rules, part 9502.0435, subpart 8. The date and time of the drills must be documented.
- (d) The license holder must have the emergency preparedness plan available for review ~~and posted in a prominent location. The license holder must provide a physical or electronic copy of the plan to the child's parent or legal guardian upon enrollment."~~

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

Franson moved to amend the Franson amendment to H. F. No. 3138, the second engrossment, as amended, as follows:

Page 1, line 7, strike "intruder,"

Page 2, lines 6 to 9, reinstate the stricken language

Page 2, line 10, reinstate the stricken language and delete the new language

Page 2, after line 12, insert:

"(g) A licensed child care center must have an additional written emergency plan for an intruder emergency that requires evacuation, sheltering, or other protection of a child. The plan must include the information required under paragraph (a), and the license holder must comply with the requirements of paragraphs (b), (c), and (d). The license holder must provide a physical or electronic notification to the child's parent or legal guardian upon enrollment that a written intruder emergency preparedness plan is in place, but must not include the written plan in the program's policies and procedures or post the written plan, relocation site, or evacuation route in a visible place. The license holder may have the intruder emergency preparedness plan available for review by law enforcement and the licensing agency, but the licensing agency must not retain a copy or record of the plan."

Page 2, line 19, strike "intruder,"

Page 3, lines 6 and 7, reinstate the stricken language

Page 3, after line 7, insert:

"(e) A licensed family child care provider must have an additional written emergency plan for an intruder emergency that requires evacuation, sheltering, or other protection of a child. The plan must include the information required under paragraph (a), and the license holder must comply with the requirements of paragraphs (b) and (c). The license holder must provide a physical or electronic notification to the child's parent or legal guardian upon enrollment that a written intruder emergency preparedness plan is in place, but must not post the written plan in a prominent location or have the written plan available for review by any person who is not an employee, caregiver, helper, substitute, or individual affiliated with law enforcement. The license holder may have the intruder emergency preparedness plan available for review by law enforcement and county licensing staff, but county licensing staff must not retain a copy or record of the plan."

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Franson amendment, as amended, to H. F. No. 3138, the second engrossment, as amended. The motion prevailed and the amendment, as amended, was adopted.

Franson moved to amend H. F. No. 3138, the second engrossment, as amended, as follows:

Page 310, after line 26, insert:

"Sec. 8. COMMISSIONER OF HUMAN SERVICES CHILD CARE LICENSING RULEMAKING AUTHORITY.

Notwithstanding any provision of law to the contrary, the commissioner of human services may not adopt rules under Minnesota Statutes, chapter 14, related to family child care, group family child care, or child care centers, unless otherwise expressly authorized by law enacted on or after the effective date of this section. Existing statutes authorizing rulemaking on these topics are no longer effective, except as necessary to support rules that were adopted prior to the effective date of this section.

EFFECTIVE DATE. This section is effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Kiel moved to amend H. F. No. 3138, the second engrossment, as amended, as follows:

Page 362, line 24, after "rails" insert "that activate automatic railroad-highway grade crossing warning signals or gates"

Page 362, line 25, after the period, insert "This definition applies only to on-track equipment that activates automatic railroad-highway grade crossing warning signals or gates. Equipment used on rails that does not activate automatic railroad-highway grade crossing warning signals or gates is excluded from this definition, and operators must exercise due regard for the safety of persons and vehicles using the railroad-highway grade crossing."

The motion prevailed and the amendment was adopted.

Bly moved to amend H. F. No. 3138, the second engrossment, as amended, as follows:

Page 412, after line 30, insert:

"(f) Laws 2002, chapter 393, section 85, is repealed."

Amend the title accordingly

The motion did not prevail and the amendment was not adopted.

Howe moved to amend H. F. No. 3138, the second engrossment, as amended, as follows:

Page 353, after line 25, insert:

"Sec. 6. Minnesota Statutes 2016, section 160.263, subdivision 2, is amended to read:

Subd. 2. **Powers of political subdivisions.** (a) The governing body of any political subdivision may by ordinance or resolution:

- (1) designate any roadway or shoulder or portion thereof under its jurisdiction as a bicycle lane or bicycle route;
- (2) designate any sidewalk or portion thereof under its jurisdiction as a bicycle path provided that the designation does not destroy a pedestrian way or pedestrian access;
- (3) develop and designate bicycle paths;
- (4) designate as bikeways all bicycle lanes, bicycle routes, and bicycle paths.

(b) A governing body may not prohibit or otherwise restrict operation of an electric-assisted bicycle, as defined in section 169.011, subdivision 27, on any bikeway, roadway, or shoulder, unless the governing body determines that operation of the electric-assisted bicycle is not consistent with (1) the safety or general welfare of bikeway, roadway, or shoulder users; or (2) the terms of any property conveyance.

(c) A governing body may not establish a bikeway in a segment of public road right-of-way that results in elimination or relocation of any disability parking that is designated under section 169.346, subdivision 2.

EFFECTIVE DATE. This section is effective the day following final enactment."

Renumber the sections in sequence and correct the internal references

Correct the title numbers accordingly

The motion prevailed and the amendment was adopted.

Johnson, C., moved to amend H. F. No. 3138, the second engrossment, as amended, as follows:

Page 337, delete lines 24 to 34

The motion did not prevail and the amendment was not adopted.

Murphy, E., was excused between the hours of 4:45 p.m. and 5:55 p.m.

Sundin moved to amend H. F. No. 3138, the second engrossment, as amended, as follows:

Page 339, delete lines 6 to 11

The motion did not prevail and the amendment was not adopted.

Bernardy moved to amend H. F. No. 3138, the second engrossment, as amended, as follows:

Page 374, after line 22, insert:

"Sec. 42. Minnesota Statutes 2016, section 174.37, subdivision 6, is amended to read:

Subd. 6. **Expiration.** The committee expires June 30, ~~2018~~ 2022."

Renumber the sections in sequence and correct the internal references

Correct the title numbers accordingly

The motion did not prevail and the amendment was not adopted.

Carlson, A., moved to amend H. F. No. 3138, the second engrossment, as amended, as follows:

Page 368, after line 25, insert:

"Sec. 35. Minnesota Statutes 2016, section 169.71, subdivision 4, is amended to read:

Subd. 4. **Glazing material; prohibitions and exceptions.** (a) No person shall drive or operate any motor vehicle required to be registered in the state of Minnesota upon any street or highway under the following conditions:

(1) when the windshield is composed of, covered by, or treated with any material which has the effect of making the windshield more reflective or in any other way reducing light transmittance through the windshield;

(2) when any window on the vehicle is composed of, covered by, or treated with any material that has a highly reflective or mirrored appearance;

(3) when any side window or rear window is composed of or treated with any material so as to obstruct or substantially reduce the driver's clear view through the window or has a light transmittance of less than 50 percent plus or minus three percent in the visible light range or a luminous reflectance of more than 20 percent plus or minus three percent; or

(4) when any material has been applied after August 1, 1985, to any motor vehicle window without an accompanying permanent marking which indicates the percent of transmittance and the percent of reflectance afforded by the material. The marking must be in a manner so as not to obscure vision and be readable when installed on the vehicle.

(b) This subdivision does not apply to glazing materials which:

(1) have not been modified since the original installation, nor to original replacement windows and windshields, that were originally installed or replaced in conformance with Federal Motor Vehicle Safety Standard 205;

(2) are required to satisfy prescription or medical needs of the driver of the vehicle or a passenger if:

(i) the driver or passenger is in possession of the prescription or a physician's statement of medical need;

(ii) the prescription or statement specifically states the minimum percentage that light transmittance may be reduced to satisfy the prescription or medical needs of the patient; and

(iii) the prescription or statement contains an expiration date, which must be no more than two years after the date the prescription or statement was issued; or

(3) are applied to:

(i) the rear windows of a pickup truck as defined in section 168.002, subdivision 26;

(ii) the rear windows or the side windows on either side behind the driver's seat of a van as defined in section 168.002, subdivision 40;

(iii) the side and rear windows of a vehicle used to transport human remains by a funeral establishment holding a license under section 149A.50;

(iv) the side and rear windows of a limousine as defined in section 168.002, subdivision 15, that is registered in compliance with the requirements of section 168.128; or

(v) the rear and side windows of a police vehicle."

Renumber the sections in sequence and correct the internal references

Correct the title numbers accordingly

The motion did not prevail and the amendment was not adopted.

Koegel moved to amend H. F. No. 3138, the second engrossment, as amended, as follows:

Page 362, after line 25, insert:

"Sec. 27. Minnesota Statutes 2016, section 169.06, subdivision 4a, is amended to read:

Subd. 4a. **Obedience to work zone flagger; violation, penalty.** (a) A flagger in a work zone may stop vehicles and hold vehicles in place until it is safe for the vehicles to proceed. A person operating a motor vehicle that has been stopped by a flagger in a work zone may proceed after stopping only on instruction by the flagger or a police officer.

(b) A person convicted of operating a motor vehicle in violation of a speed limit in a work zone, or any other provision of this section while in a work zone, ~~shall be required to~~ must pay a fine of \$300. This fine is in addition to the surcharge under section 357.021, subdivision 6.

(c) If a motor vehicle is operated in violation of paragraph (a), the owner of the vehicle, or for a leased motor vehicle the lessee of the vehicle, is guilty of a petty misdemeanor and is subject to a fine as provided in paragraph (b). The owner or lessee may not be fined under this paragraph if (1) another person is convicted for that violation, or (2) the motor vehicle was stolen at the time of the violation. This paragraph does not apply to a lessor of a motor vehicle if the lessor keeps a record of the name and address of the lessee.

(d) Paragraph (c) does not prohibit or limit the prosecution of a motor vehicle operator for violating paragraph (a).

(e) A violation under paragraph (c) does not constitute grounds for revocation or suspension of a driver's license.

(f) A road authority or its agent must place at the site of a work zone a temporary sign that meets the requirements for uniform traffic-control devices under subdivision 1. At a minimum, the sign must warn motorists of fines for a violation of this subdivision and identify the fine amount established in paragraph (b).

EFFECTIVE DATE. This section is effective August 1, 2018, and applies to violations that occur on or after that date.

Page 368, after line 25, insert:

"Sec. 36. Minnesota Statutes 2016, section 169.475, subdivision 2, is amended to read:

Subd. 2. ~~**Prohibition**~~ **Prohibitions on use; penalty.** (a) ~~Ne~~ When a motor vehicle is in motion or a part of traffic, the person may operate a motor operating the vehicle while is prohibited from using a wireless communications device to compose, read, or send an electronic message, ~~when the vehicle is in motion or a part of traffic.~~

(b) When a motor vehicle is in motion or a part of traffic while in a work zone, the person operating the vehicle is prohibited from using a wireless communications device for any purpose, including but not limited to making a cellular phone call.

(c) A person who violates paragraph (a) this subdivision a second or subsequent time must pay a fine of \$225, plus the amount specified in the uniform fine schedule established by the Judicial Council.

EFFECTIVE DATE. This section is effective August 1, 2018, and applies to violations that occur on or after that date.

Sec. 37. Minnesota Statutes 2016, section 169.475, subdivision 3, is amended to read:

Subd. 3. **Exceptions.** (a) This section does not apply if a wireless communications device is used:

(1) solely in a voice-activated or other hands-free mode;

(2) ~~for making~~ to make a cellular phone call;

(3) ~~for obtaining~~ to obtain emergency assistance to (i) report a traffic accident, medical emergency, or serious traffic hazard, or (ii) prevent a crime about to be committed;

(4) in the reasonable belief that a person's life or safety is in immediate danger; or

(5) in an authorized emergency vehicle while in the performance of official duties.

(b) The exception in paragraph (a), clause (2), does not apply to the prohibition in subdivision 2, paragraph (b).

EFFECTIVE DATE. This section is effective August 1, 2018, and applies to violations that occur on or after that date."

Renumber the sections in sequence and correct the internal references

Correct the title numbers accordingly

Rarick moved to amend the Koegel amendment to H. F. No. 3138, the second engrossment, as amended, as follows:

Page 2, line 9, after "while" insert "workers are present"

The motion prevailed and the amendment to the amendment was adopted.

The question recurred on the Koegel amendment, as amended, to H. F. No. 3138, the second engrossment, as amended. The motion prevailed and the amendment, as amended, was adopted.

Drazkowski moved to amend H. F. No. 3138, the second engrossment, as amended, as follows:

Page 368, after line 18, insert:

"Sec. 34. Minnesota Statutes 2017 Supplement, section 169.442, subdivision 5, is amended to read:

Subd. 5. **White strobe lamps on certain buses transporting children.** ~~Notwithstanding section 169.55, subdivision 1, or 169.57, subdivision 3, paragraph (b), or other law to the contrary, A school bus that is subject to and complies with the equipment requirements of subdivision 1 and section 169.441, subdivision 1, or a Head Start bus, may be equipped with a flashing strobe lamp under section 169.64, subdivision 8.~~

Sec. 35. Minnesota Statutes 2016, section 169.442, is amended by adding a subdivision to read:

Subd. 6. Supplemental warning system. In addition to the signals required under subdivision 1, a type A, B, C, or D school bus may be equipped with a supplemental warning system under section 169.4503, subdivision 31.

Sec. 36. Minnesota Statutes 2016, section 169.448, subdivision 1, is amended to read:

Subdivision 1. **Restrictions on appearance; misdemeanor.** (a) A bus that is not used as a school bus may not be operated on a street or highway unless it is painted a color significantly different than national school bus glossy yellow.

(b) A bus that is not used as a school bus or Head Start bus may not be operated if it is equipped with school bus or Head Start bus-related equipment and printing.

(c) A violation of this subdivision is a misdemeanor.

(d) This subdivision does not apply to a school bus owned by or under contract to a school district operated as a charter or leased bus.

(e) This subdivision does not apply to a school bus operated by a licensed child care provider if:

(1) the ~~stop~~ stop-signal arm is removed;

(2) the ~~eight light system~~ is lighting systems for prewarning flashing amber signals, flashing red signals, and supplemental warnings under section 169.4503, subdivision 31, are deactivated;

(3) the school bus is identified as a "child care bus" in letters at least eight inches high on the front and rear top of the bus;

(4) the name, address, and telephone number of the owner or operator of the bus is identified on each front door of the bus in letters not less than three inches high; and

(5) the conditions under section 171.02, subdivision 2a, paragraphs (a) ~~through to (j), and (l), and (n)~~, have been met."

Page 368, after line 25, insert:

"Sec. 38. Minnesota Statutes 2016, section 169.4503, subdivision 13, is amended to read:

Subd. 13. **Identification.** (a) Each bus ~~shall~~ must, in the beltline, identify the school district serviced, or company name, or owner of the bus. Numbers necessary for identification must appear on the sides and rear of the bus. Symbols or letters may be used on the outside of the bus near the entrance door for student identification. A manufacturer's nameplate or logo may be placed on the bus.

(b) ~~Effective December 31, 1994,~~ All type A, B, C, and D buses sold must display lettering "Unlawful to pass when red lights are flashing" on the rear of the bus. The lettering ~~shall~~ must be in two-inch black letters on school bus yellow background. This message ~~shall~~ must be displayed directly below the upper window of the rear door. On rear engine buses, it ~~shall~~ must be centered at approximately the same location. Only signs and lettering approved or required by state law ~~may~~ are permitted to be displayed.

(c) The requirements of paragraph (b) do not apply to a type A, B, C, or D school bus that is equipped with a changeable electronic message sign on the rear of the bus that:

(1) displays one or more of the messages: "Caution / stopping," "Unlawful to pass," "Stop / do not pass," or similar messages approved by the commissioner;

(2) displays messages in conjunction with bus operation and activation of prewarning flashing amber signals, flashing red signals, or stop-signal arm, as appropriate; and

(3) is a supplemental warning system under section 169.4503, subdivision 31.

Sec. 39. Minnesota Statutes 2016, section 169.4503, is amended by adding a subdivision to read:

Subd. 31. **Supplemental warning system; temporary authority.** (a) Prior to August 1, 2021, the commissioner may approve a type A, B, C, or D school bus to be equipped with a supplemental warning system. On and after that date, a school bus may continue to be equipped with a previously approved supplemental warning system.

(b) To determine approval of a supplemental warning system, the commissioner must consider:

(1) signal colors, which are limited to one or more of the colors white, amber, and red;

(2) flashing patterns;

(3) vehicle mounting and placement;

(4) supplemental warning system activation in conjunction with activation of prewarning flashing amber signals, stop-signal arm, and flashing red signals;

(5) light intensity; and

(6) permissible text, signage, and graphics, if any.

(c) The commissioner must review relevant research findings and experience in other jurisdictions, and must consult with interested stakeholders, including but not limited to representatives from school district pupil transportation directors, private school bus operators, and pupil transportation and traffic safety associations.

Sec. 40. Minnesota Statutes 2016, section 169.55, subdivision 1, is amended to read:

Subdivision 1. **Lights or reflectors required.** At the times when lighted lamps on vehicles are required each vehicle including an animal-drawn vehicle and any vehicle specifically excepted in sections 169.47 to 169.79, with respect to equipment and not hereinbefore specifically required to be equipped with lamps, shall be equipped with one or more lighted lamps or lanterns projecting a white light visible from a distance of 500 feet to the front of the vehicle and with a lamp or lantern exhibiting a red light visible from a distance of 500 feet to the rear, except that reflectors meeting the maximum requirements of this chapter may be used in lieu of the lights required in this subdivision. ~~It shall be unlawful except as otherwise provided in this subdivision, to project a white light to the rear of any such vehicle while traveling on any street or highway, unless such vehicle is moving in reverse. A lighting device mounted on top of a vehicle engaged in deliveries to residences may project a white light to the rear if the sign projects one or more additional colors to the rear. An authorized emergency vehicle may display an oscillating, alternating, or rotating white light used in connection with an oscillating, alternating, or rotating red light when responding to emergency calls.~~

Sec. 41. Minnesota Statutes 2016, section 169.57, subdivision 3, is amended to read:

Subd. 3. **Maintenance.** (a) When a vehicle is equipped with stop lamps or signal lamps, ~~such~~ the lamps ~~shall~~ must at all times be maintained in good working condition.

~~(b) No stop lamps or signal lamp shall project a glaring or dazzling light.~~

~~(c) All mechanical signal devices shall~~ must be self-illuminated when in use at the times when lighted lamps on vehicles are required.

Sec. 42. Minnesota Statutes 2016, section 169.64, subdivision 3, is amended to read:

Subd. 3. **Flashing lights; glaring lights.** (a) Flashing lights are prohibited, except:

(1) on an authorized emergency vehicle, school bus, bicycle as provided in section 169.222, subdivision 6, road maintenance equipment, tow truck or towing vehicle as provided in section 168B.16, service vehicle, farm tractor, self-propelled farm equipment, rural mail carrier vehicle, or funeral home vehicle; ~~or~~

(2) on any vehicle as a means of indicating a right or left turn, or the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking, or passing; or

(3) as otherwise provided in this section.

(b) All flashing warning lights ~~shall~~ must be of the type authorized by section 169.59, subdivision 4, unless otherwise permitted or required in this chapter.

(c) A stop lamp or signal lamp is prohibited from projecting a glaring or dazzling light, except for:

(1) strobe lamps as provided under subdivision 8 or section 169.59, subdivision 4; or

(2) a school bus equipped with a supplemental warning system under section 169.4503, subdivision 31.

Sec. 43. Minnesota Statutes 2016, section 169.64, is amended by adding a subdivision to read:

Subd. 4a. **White light.** (a) It is unlawful to project a white light at the rear of a vehicle while traveling on any street or highway, except:

(1) for a vehicle moving in reverse;

(2) for a school bus equipped with a supplemental warning system under section 169.4503, subdivision 31;

(3) for a strobe lamp as provided under subdivision 8;

(4) as required for license plate illumination under section 169.50, subdivision 2;

(5) as provided in section 169.59, subdivision 4; and

(6) as otherwise provided in this subdivision.

(b) A lighting device mounted on top of a vehicle engaged in deliveries to residences may project a white light to the rear if the sign projects one or more additional colors to the rear.

(c) An authorized emergency vehicle may display an oscillating, alternating, or rotating white light used in connection with an oscillating, alternating, or rotating red light when responding to emergency calls.

Sec. 44. Minnesota Statutes 2017 Supplement, section 169.64, subdivision 8, is amended to read:

Subd. 8. **Strobe lamp.** (a) ~~Notwithstanding sections 169.55, subdivision 1; 169.57, subdivision 3, paragraph (b); or any other law to the contrary,~~ a vehicle may be equipped with a 360-degree flashing strobe lamp that emits a white light with a flash rate of 60 to 120 flashes a minute, and the lamp may be used as provided in this subdivision, if the vehicle is:

(1) a school bus that is subject to and complies with the equipment requirements of ~~sections 169.441, subdivision 1, and section 169.442, subdivision 1,~~ or a Head Start bus. The lamp must operate from a separate switch containing an indicator lamp to show when the strobe lamp is in use; or

(2) a road maintenance vehicle owned or under contract to the Department of Transportation or a road authority of a county, home rule or statutory city, or town, but the strobe lamp may only be operated while the vehicle is actually engaged in snow removal during daylight hours.

(b) Notwithstanding ~~sections 169.55, subdivision 1; 169.57, subdivision 3, paragraph (b);~~ or any other law to the contrary, a vehicle may be equipped with a 360-degree flashing strobe lamp that emits an amber light with a flash rate of 60 to 120 flashes a minute, and the lamp may be used as provided in this subdivision, if the vehicle is a rural mail carrier vehicle, provided that the strobe lamp is mounted at the highest practicable point on the vehicle. The strobe lamp may only be operated while the vehicle is actually engaged during daylight hours in the delivery of mail to residents on a rural mail route.

(c) A strobe lamp authorized by this ~~section shall~~ subdivision must be of a double flash type certified to the commissioner of public safety by the manufacturer as being weatherproof and having ~~a minimum an~~ an effective light output ~~of 200 candelas as measured by the Blondel-Rey formula~~ that meets or exceeds the most recent version of SAE International standard J845, Class 2, or a subsequent standard."

Renumber the sections in sequence and correct the internal references

Correct the title numbers accordingly

The motion prevailed and the amendment was adopted.

Koegel moved to amend H. F. No. 3138, the second engrossment, as amended, as follows:

Page 337, line 12, delete "48,155,000" and insert "50,155,000"

Page 337, after line 12, insert:

"Appropriations by Fund

	<u>2018</u>	<u>2019</u>
<u>General</u>	<u>-0-</u>	<u>2,000,000</u>
<u>Trunk Highway</u>	<u>-0-</u>	<u>48,155,000"</u>

Page 337, after line 34, insert:

"\$2,000,000 in the second year from the general fund is for a road network study and safety improvements and enhancements on (1) marked Trunk Highway 47, known as University Avenue, from 53rd Avenue Northeast in Fridley to marked U.S. Highway 10 in Coon Rapids; (2) marked Trunk Highway 65, known as Central Avenue Northeast, from 53rd Avenue Northeast in Fridley to marked U.S. Highway 10 in Coon Rapids; and (3) Anoka County State-Aid Highway 1, known as East River Road, from

51st Avenue Northeast in Fridley to Coon Rapids Boulevard in Coon Rapids. The project must include improvements targeted at pedestrians and nonmotorized traffic."

Page 338, line 22, delete "24,945,000" and insert "24,564,000"

Page 338, line 29, delete "6,552,000" and insert "6,381,000"

Page 348, line 2, delete "\$75,270,000" and insert "\$73,270,000"

Adjust amounts accordingly

Renumber the sections in sequence and correct the internal references

Correct the title numbers accordingly

The motion did not prevail and the amendment was not adopted.

Wagenius was excused between the hours of 6:00 p.m. and 8:20 p.m.

Davnie was excused between the hours of 6:00 p.m. and 9:15 p.m.

Applebaum was excused for the remainder of today's session.

Smith moved to amend H. F. No. 3138, the second engrossment, as amended, as follows:

Page 408, after line 2, insert:

"Sec. 92. **[604.135] CRITICAL INFRASTRUCTURE; JOINT AND SEVERAL LIABILITY.**

(a) A person who is convicted of trespass under section 609.6055 or damage to property under section 609.594, or is arrested for a violation of one or both of those sections and convicted of another offense arising out of the same behavioral incident, may be held liable for any damages to personal or real property committed by the person while trespassing or causing damage to property.

(b) A person or entity that knowingly recruits, trains, aids, advises, hires, counsels, conspires with, or otherwise procures another for the purpose of trespassing or causing damage to property as described in paragraph (a) may also be jointly and severally liable for the damages under paragraph (a).

(c) A labor organization, its leaders, or its members shall not be subject to this provision unless the labor organization, its leaders, or its members knowingly recruits, trains, aids, advises, hires, counsels, conspires with, or otherwise procures another for the purpose of trespassing or causing damage to critical infrastructure.

(d) As used in this section, "labor organization" has the meaning given in section 179.01, subdivision 6.

(e) Nothing in this section shall interfere with the rights specifically granted in sections 179.01 to 179.17, the Fair Labor Standards Act.

EFFECTIVE DATE. This section is effective August 1, 2018, and applies to causes of action arising on or after that date.

Sec. 93. Minnesota Statutes 2016, section 609.594, subdivision 2, is amended to read:

Subd. 2. **Prohibited conduct; penalty.** (a) Whoever causes damage to the physical property of a critical public service facility, utility, or pipeline with the intent to significantly disrupt the operation of or the provision of services by the facility, utility, or pipeline and without the consent of one authorized to give consent, is guilty of a felony and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

(b) A person who intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to violate paragraph (a) may be held criminally liable under section 609.605. A "person" for these purposes means an individual, partnership, association, public or private corporation, or other entity.

(c) A labor organization, its leaders, or its members shall not be subject to this unless the labor organization, its leaders, or its members intentionally aids, advises, hires, counsels, or conspires with or otherwise procures an individual to damage critical infrastructure.

(d) As used in this section, "labor organization" has the meaning given in section 179.01, subdivision 6.

(e) Nothing in this section shall interfere with the rights specifically granted in sections 179.01 to 179.17, the Fair Labor Standards Act.

EFFECTIVE DATE. This section is effective August 1, 2018, and applies to offenses committed on or after that date.

Sec. 94. Minnesota Statutes 2016, section 609.6055, subdivision 2, is amended to read:

Subd. 2. **Prohibited conduct; penalty.** (a) Whoever enters or is found upon property containing a critical public service facility, utility, or pipeline, without claim of right or consent of one who has the right to give consent to be on the property, is guilty of a gross misdemeanor, if:

(1) the person refuses to depart from the property on the demand of one who has the right to give consent;

(2) within the past six months, the person had been told by one who had the right to give consent to leave the property and not to return, unless a person with the right to give consent has given the person permission to return; or

(3) the property is posted.

(b) Whoever enters an underground structure that (1) contains a utility line or pipeline and (2) is not open to the public for pedestrian use, without claim of right or consent of one who has the right to give consent to be in the underground structure, is guilty of a gross misdemeanor. The underground structure does not need to be posted for this paragraph to apply.

(c) Unless a greater penalty is provided elsewhere, whoever violates this section with intent to damage, destroy, or tamper with equipment, or significantly impede or inhibit operation, is guilty of a felony and may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$5,000, or both.

(d) A person who intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to violate paragraphs (a), (b), or (c) may be held criminally liable under section 609.605. A "person" for these purposes means an individual, partnership, association, public or private corporation, or other entity.

(e) A labor organization, its leaders, or its members shall not be subject to this provision unless the labor organization, its leaders, or its members intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to trespass on critical infrastructure.

(f) As used in this section, "labor organization" has the meaning given in section 179.01, subdivision 6.

(g) Nothing in this section shall interfere with the rights specifically granted in sections 179.01 to 179.17, the Fair Labor Standards Act.

EFFECTIVE DATE. This section is effective August 1, 2018, and applies to offenses committed on or after that date."

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Smith amendment and the roll was called. There were 77 yeas and 47 nays as follows:

Those who voted in the affirmative were:

Albright	Dettmer	Heintzeman	Loon	O'Neill	Smith
Anderson, P.	Drazkowski	Hertaus	Loonan	Pelowski	Swedzinski
Anderson, S.	Erickson	Hoppe	Lucero	Peppin	Theis
Backer	Fabian	Howe	Lueck	Petersburg	Torkelson
Bahr, C.	Fenton	Jessup	Marquart	Peterson	Uglem
Baker	Franke	Johnson, B.	McDonald	Pierson	Urdahl
Barr, R.	Franson	Jurgens	Miller	Poston	Vogel
Bennett	Garofalo	Kiel	Munson	Pugh	West
Bliss	Green	Knobloch	Nash	Quam	Whelan
Christensen	Grossell	Koznick	Neu	Rarick	Wills
Daniels	Gruenhagen	Kresha	Newberger	Runbeck	Zerwas
Davids	Gunther	Layman	Nornes	Schomacker	Spk. Daudt
Dean, M.	Haley	Lohmer	O'Driscoll	Scott	

Those who voted in the negative were:

Allen	Ecklund	Hilstrom	Liebling	Moran	Pryor
Becker-Finn	Fischer	Hornstein	Lien	Murphy, E.	Rosenthal
Bernardy	Flanagan	Hortman	Loeffler	Murphy, M.	Sandstede
Bly	Freiberg	Johnson, C.	Mahoney	Nelson	Sauke
Carlson, A.	Halverson	Koegel	Mariani	Olson	Schultz
Carlson, L.	Hamilton	Kunesh-Podein	Masin	Omar	Sundin
Considine	Hansen	Lee	Maye Quade	Pinto	Youakim
Dehn, R.	Hausman	Lesch	Metsa	Poppe	

The motion prevailed and the amendment was adopted.

Speaker pro tempore Garofalo called Nash to the Chair.

H. F. No. 3138, A bill for an act relating to state government finance; modifying provisions governing Department of Health and public health, health care, chemical and mental health, opioids and prescription drugs, community supports and continuing care, protections for older adults and vulnerable adults, children and families, health licensing boards, and MNsure; establishing the Vulnerable Adult Maltreatment Prevention and Accountability Act; modifying requirements for data sharing and data classifications; modifying a criminal penalty; establishing working groups; establishing prescription drug repository program; entering into nurse licensure compact; establishing a supplemental budget for transportation activities; modifying various provisions governing transportation policy and finance; providing for rulemaking; requiring reports; modifying fees; making forecast adjustments; appropriating money; authorizing the sale and issuance of state bonds; amending Minnesota Statutes 2016, sections 8.31, subdivision 1; 13.461, by adding a subdivision; 13.6905, subdivision 3; 13.72, subdivision 10; 13.83, subdivision 2; 13.851, by adding a subdivision; 62A.30, by adding a subdivision; 62A.65, subdivision 7; 62D.12, by adding a subdivision; 62Q.55, subdivision 5; 62V.05, subdivisions 2, 5, 10; 103I.205, subdivision 9; 103I.301, subdivision 6; 119B.011, by adding a subdivision; 119B.02, subdivision 7; 119B.03, subdivision 9; 144.057, subdivision 1; 144.121, subdivision 1a, by adding a subdivision; 144.1501, subdivisions 1, 3; 144.1506, subdivision 2; 144.608, subdivision 1; 144.6501, subdivision 3, by adding a subdivision; 144.651, subdivisions 1, 2, 4, 14, 16, 20, 21; 144A.10, subdivision 1; 144A.26; 144A.43, subdivisions 11, 27, 30, by adding a subdivision; 144A.44, subdivision 1; 144A.442; 144A.45, subdivisions 1, 2; 144A.472, subdivision 5; 144A.473; 144A.474, subdivisions 2, 8, 9; 144A.475, subdivisions 1, 2, 5; 144A.476, subdivision 1; 144A.479, subdivision 7, by adding a subdivision; 144A.4791, subdivisions 1, 3, 6, 7, 8, 9, 10, 13; 144A.4792, subdivisions 1, 2, 5, 10; 144A.4793, subdivision 6; 144A.4797, subdivision 3; 144A.4798; 144A.4799, subdivision 1; 144A.484, subdivision 1; 144A.53, subdivisions 1, 4, by adding subdivisions; 144D.01, subdivision 1; 144D.02; 144D.04, by adding a subdivision; 144E.16, by adding subdivisions; 144G.01, subdivision 1; 145.56, subdivision 2; 145.928, subdivisions 1, 7; 146B.03, by adding a subdivision; 147A.08; 148.512, subdivision 17a; 148.513, subdivisions 1, 2, by adding a subdivision; 148.515, subdivision 1; 148.516; 148.519, by adding a subdivision; 148.5192, subdivision 1; 148.5193, by adding a subdivision; 148.5194, subdivision 8, by adding a subdivision; 148.5195, subdivision 3; 148.5196, subdivision 3; 148.59; 148.995, subdivision 2; 148E.180; 149A.40, subdivision 11; 149A.95, subdivision 3; 150A.06, subdivision 1a, by adding subdivisions; 150A.091, by adding subdivisions; 151.071, subdivision 2; 151.15, by adding subdivisions; 151.19, subdivision 1; 151.214, subdivision 2; 151.46; 151.71, by adding a subdivision; 152.11, by adding a subdivision; 160.263, subdivision 2; 160.295, subdivision 5; 161.115, subdivision 111; 161.14, by adding subdivisions; 161.32, subdivision 2; 168.10, subdivision 1h; 168.101, subdivision 2a; 168.127, subdivision 6; 168.326; 168.33, by adding a subdivision; 168.345, subdivision 2; 168A.02, subdivision 1; 168A.151, subdivision 1; 168A.29, subdivision 1; 169.011, subdivisions 5, 9, 60; 169.06, subdivision 4a; 169.18, subdivision 3; 169.222, subdivisions 1, 4; 169.26, subdivision 1; 169.28; 169.29; 169.345, subdivision 2; 169.442, by adding a subdivision; 169.448, subdivision 1; 169.4503, subdivisions 5, 13, by adding a subdivision; 169.475, subdivisions 2, 3; 169.55, subdivision 1; 169.57, subdivision 3; 169.64, subdivision 3, by adding a subdivision; 169.81, by adding a subdivision; 169.8261, subdivision 2; 169.829, by adding a subdivision; 169.87, subdivision 6; 169.974, subdivision 2; 174.66; 214.075, subdivisions 1, 4, 5, 6; 214.077; 214.10, subdivision 8; 214.12, by adding a subdivision; 221.031, subdivision 2d, by adding a subdivision; 221.0314, subdivision 9; 221.036, subdivisions 1, 3; 221.122, subdivision 1; 221.161, subdivision 1, by adding a subdivision; 221.171, subdivision 1; 222.46; 222.50, subdivisions 3, 4; 222.52; 222.57; 222.63, subdivision 8; 243.166, subdivision 4b; 245A.04, subdivision 7, by adding a subdivision; 245C.22, subdivision 4; 245D.071, subdivision 5; 245D.091, subdivisions 2, 3, 4; 254B.02, subdivision 1; 256.01, by adding a subdivision; 256.014, subdivision 2; 256.975, subdivision 7b; 256B.0575, subdivision 1; 256B.0595, subdivision 3; 256B.0625, subdivisions 2, 18d, 30, by adding subdivisions; 256B.0659, subdivisions 11, 21, 24, 28, by adding a subdivision; 256B.4914, subdivision 4; 256B.5012, by adding a subdivision; 256B.69, subdivision 5a; 256K.45, subdivision 2; 256M.41, subdivision 3; 256R.53, subdivision 2; 259.24, subdivision 2; 299A.705; 325F.71; 360.013, by adding a subdivision; 360.017, subdivision 1; 360.021, subdivision 1; 360.024; 360.062; 360.063, subdivisions 1, 3; 360.064, subdivision 1; 360.065, subdivision 1; 360.066, subdivision 1; 360.067, by adding a subdivision; 360.071, subdivision 2; 360.305, subdivision 6; 394.22, by adding a subdivision; 394.23; 394.231; 394.25, subdivision 3; 462.352, by adding a subdivision; 462.355, subdivision 1; 462.357, subdivision 9, by adding a subdivision; 473.13, by adding subdivisions; 473.386, subdivision 3, by adding a subdivision; 473.4051, subdivision 3; 473.606, subdivision 5; 518A.32, subdivision 3; 518A.685; 574.26, subdivision 1a; 609.2231, subdivision 8; 609.594, subdivision 2; 609.6055, subdivision 2; 626.557, subdivisions 3, 4, 9, 9a, 9b, 9c, 9d, 10b, 12b, 14, 17; 626.5572, subdivision 6; 641.15, subdivision 3a; Minnesota Statutes 2017 Supplement, sections 3.972, subdivision 4; 13.69, subdivision 1; 62D.02, subdivision 4;

62D.03, subdivision 1; 62D.05, subdivision 1; 62D.06, subdivision 1; 62D.19; 62E.02, subdivision 3; 103I.005, subdivisions 2, 8a, 17a; 103I.205, subdivisions 1, 4; 103I.208, subdivision 1; 103I.235, subdivision 3; 103I.601, subdivision 4; 119B.011, subdivision 20; 119B.025, subdivision 1; 119B.095, by adding a subdivision; 119B.13, subdivision 1; 144.1501, subdivision 2; 144A.10, subdivision 4; 144A.472, subdivision 7; 144A.474, subdivision 11; 144A.4796, subdivision 2; 144A.4799, subdivision 3; 144D.04, subdivision 2; 144H.01, subdivision 5; 144H.04, subdivision 1; 144H.06; 144H.08; 148.519, subdivision 1; 148.5193, subdivision 1; 148.5196, subdivision 1; 152.105, subdivision 2; 160.02, subdivision 1a; 169.442, subdivision 5; 169.64, subdivision 8; 169.829, subdivision 4; 245A.03, subdivision 7; 245A.06, subdivision 8; 245A.11, subdivision 2a; 245A.41, subdivision 3; 245A.50, subdivision 7; 245A.51, subdivision 3; 245C.22, subdivision 5; 245D.03, subdivision 1; 245G.03, subdivision 1; 245G.22, subdivision 2; 254A.03, subdivision 3; 254B.03, subdivision 2; 256.045, subdivisions 3, 4; 256B.0625, subdivisions 3b, 56a; 256B.0921; 256B.4914, subdivisions 2, 3, 5, 6, 7, 8, 9, 10, 10a; 260C.007, subdivision 6; 364.09; 473.4051, subdivision 2; Laws 2014, chapter 312, article 11, section 38, subdivisions 5, 6; article 27, section 76; Laws 2017, First Special Session chapter 3, article 1, sections 2, subdivision 2; 4, subdivisions 1, 2; Laws 2017, First Special Session chapter 6, article 3, section 49; article 8, sections 71; 72; 74; article 18, sections 3, subdivision 2; 16, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 62Q; 137; 144; 144D; 144G; 148; 151; 161; 168; 174; 222; 245A; 256; 256B; 256K; 260C; 299A; 360; 604; repealing Minnesota Statutes 2016, sections 62A.65, subdivision 7a; 144A.45, subdivision 6; 144A.481; 151.55; 168.013, subdivision 21; 214.075, subdivision 8; 221.161, subdivisions 2, 3, 4; 222.47; 222.50, subdivisions 1, 7; 222.51; 256.021; 256B.0705; 360.063, subdivision 4; 360.065, subdivision 2; 360.066, subdivisions 1a, 1b; Minnesota Statutes 2017 Supplement, sections 146B.02, subdivision 7a; 222.49; 222.50, subdivision 6.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 82 yeas and 43 nays as follows:

Those who voted in the affirmative were:

Albright	Dean, M.	Heintzeman	Lohmer	O'Neill	Smith
Anderson, P.	Dettmer	Hertaus	Loon	Pelowski	Swedzinski
Anderson, S.	Erickson	Hoppe	Loonan	Peppin	Theis
Anselmo	Fabian	Howe	Lucero	Petersburg	Torkelson
Backer	Fenton	Jessup	Lueck	Peterson	Uglem
Bahr, C.	Franke	Johnson, B.	Marquart	Pierson	Urdahl
Baker	Franson	Johnson, C.	McDonald	Poppe	Vogel
Barr, R.	Garofalo	Jurgens	Metsa	Poston	West
Bennett	Green	Kiel	Miller	Pugh	Whelan
Bernardy	Grossell	Knoblach	Nash	Quam	Wills
Bliss	Gruenhagen	Koznick	Neu	Rarick	Zerwas
Christensen	Gunther	Kresha	Newberger	Runbeck	Spk. Daudt
Daniels	Haley	Layman	Nornes	Schomacker	
Davids	Hamilton	Lien	O'Driscoll	Scott	

Those who voted in the negative were:

Allen	Ecklund	Hornstein	Mahoney	Nelson	Schultz
Bly	Fischer	Hortman	Mariani	Olson	Sundin
Carlson, A.	Flanagan	Koegel	Masin	Omar	Youakim
Carlson, L.	Freiberg	Kunesh-Podein	Maye Quade	Pinto	
Clark	Halverson	Lee	Moran	Pryor	
Considine	Hansen	Lesch	Munson	Rosenthal	
Dehn, R.	Hausman	Liebling	Murphy, E.	Sandstede	
Drazkowski	Hilstrom	Loeffler	Murphy, M.	Sauke	

The bill was passed, as amended, and its title agreed to.

Speaker pro tempore Nash called Albright to the Chair.

Rosenthal was excused between the hours of 8:05 p.m. and 9:00 p.m.

Drazkowski was excused between the hours of 8:05 p.m. and 10:45 p.m.

Becker-Finn was excused for the remainder of today's session.

H. F. No. 2856 was reported to the House.

Pinto moved to amend H. F. No. 2856, the second engrossment, as follows:

Page 50, delete section 14

Page 51, delete section 15

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Pinto amendment and the roll was called. There were 49 yeas and 75 nays as follows:

Those who voted in the affirmative were:

Allen	Ecklund	Hornstein	Loeffler	Nelson	Schultz
Bernardy	Fischer	Hortman	Mahoney	Olson	Sundin
Bly	Flanagan	Johnson, C.	Mariani	Omar	Wagenius
Carlson, A.	Freiberg	Koegel	Masin	Pinto	Youakim
Carlson, L.	Halverson	Kunesh-Podein	Maye Quade	Poppe	
Clark	Hamilton	Lee	Metsa	Pryor	
Considine	Hansen	Lesch	Moran	Rosenthal	
Davnie	Hausman	Liebling	Murphy, E.	Sandstede	
Dehn, R.	Hilstrom	Lien	Murphy, M.	Sauke	

Those who voted in the negative were:

Albright	Dettmer	Hoppe	Lucero	Peppin	Theis
Anderson, P.	Erickson	Howe	Lueck	Petersburg	Torkelson
Anderson, S.	Fabian	Jessup	Marquart	Peterson	Uglen
Backer	Fenton	Johnson, B.	McDonald	Pierson	Urdahl
Bahr, C.	Franson	Jurgens	Miller	Poston	Vogel
Baker	Garofalo	Kiel	Munson	Pugh	West
Barr, R.	Green	Knoblach	Nash	Quam	Whelan
Bennett	Grossell	Koznick	Neu	Rarick	Wills
Bliss	Gruenhagen	Kresha	Newberger	Runbeck	Zerwas
Christensen	Gunther	Layman	Nornes	Schomacker	Spk. Daudt
Daniels	Haley	Lohmer	O'Driscoll	Scott	
Davids	Heintzeman	Loon	O'Neill	Smith	
Dean, M.	Hertaus	Loonan	Pelowski	Swedzinski	

The motion did not prevail and the amendment was not adopted.

The Speaker resumed the Chair.

Hoppe moved to amend H. F. No. 2856, the second engrossment, as follows:

Page 12, delete section 7

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Hilstrom moved to amend H. F. No. 2856, the second engrossment, as amended, as follows:

Page 87, line 9, after "limit" insert "or more"

The motion prevailed and the amendment was adopted.

Lesch moved to amend H. F. No. 2856, the second engrossment, as amended, as follows:

Page 13, after line 26, insert:

"Sec. 8. Minnesota Statutes 2016, section 363A.03, subdivision 43, is amended to read:

Subd. 43. **Sexual harassment.** (a) "Sexual harassment" includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when:

(1) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment, public accommodations or public services, education, or housing;

(2) submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, public accommodations or public services, education, or housing; or

(3) that conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or public services, education, or housing, or creating an intimidating, hostile, or offensive employment, public accommodations, public services, educational, or housing environment.

(b) An intimidating, hostile, or offensive environment under paragraph (a), clause (3), does not require the harassing conduct or communication to be severe or pervasive.

EFFECTIVE DATE. This section is effective August 1, 2018, and applies to causes of action arising on or after that date.

Renumber the sections in sequence and correct the internal references

Amend the title accordingly

A roll call was requested and properly seconded.

The question was taken on the Lesch amendment and the roll was called. There were 121 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Albright	Dehn, R.	Hertaus	Loon	O'Driscoll	Scott
Allen	Dettmer	Hilstrom	Loonan	Olson	Smith
Anderson, P.	Ecklund	Hornstein	Lucero	Omar	Sundin
Anderson, S.	Erickson	Hortman	Lueck	O'Neill	Swedzinski
Anselmo	Fabian	Jessup	Mahoney	Pelowski	Theis
Backer	Fenton	Johnson, B.	Mariani	Peppin	Torkelson
Bahr, C.	Fischer	Johnson, C.	Marquart	Petersburg	Uglen
Baker	Flanagan	Jurgens	Masin	Peterson	Urdahl
Barr, R.	Franke	Kiel	Maye Quade	Pierson	Vogel
Bennett	Franson	Knoblach	McDonald	Pinto	Wagenius
Bernardy	Freiberg	Koegel	Metsa	Poppe	West
Bliss	Garofalo	Koznick	Miller	Poston	Whelan
Bly	Green	Kresha	Moran	Pryor	Wills
Carlson, A.	Grossell	Kunesh-Podein	Munson	Pugh	Youakim
Carlson, L.	Gruenhagen	Layman	Murphy, E.	Quam	Zerwas
Christensen	Gunther	Lee	Murphy, M.	Rarick	Spk. Daudt
Clark	Haley	Lesch	Nash	Rosenthal	
Daniels	Halverson	Liebling	Nelson	Sandstede	
Davids	Hamilton	Lien	Neu	Sauke	
Davnie	Hansen	Loeffler	Newberger	Schomacker	
Dean, M.	Hausman	Lohmer	Nornes	Schultz	

Those who voted in the negative were:

Heintzeman	Hoppe	Howe	Runbeck
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The motion prevailed and the amendment was adopted.

Hilstrom offered an amendment to H. F. No. 2856, the second engrossment, as amended.

POINT OF ORDER

Garofalo raised a point of order pursuant to rule 3.21 that the Hilstrom amendment was not in order. The Speaker ruled the point of order well taken and the Hilstrom amendment out of order.

Hilstrom appealed the decision of the Speaker.

A roll call was requested and properly seconded.

The vote was taken on the question "Shall the decision of the Speaker stand as the judgment of the House?" and the roll was called. There were 71 yeas and 54 nays as follows:

Those who voted in the affirmative were:

Albright	Fabian	Hoppe	Lucero	O'Neill	Scott
Anderson, P.	Fenton	Jessup	Lueck	Peppin	Smith
Bahr, C.	Franson	Johnson, B.	Mahoney	Petersburg	Swedzinski
Baker	Garofalo	Jurgens	Masin	Peterson	Theis
Barr, R.	Green	Kiel	McDonald	Pierson	Torkelson
Bliss	Grossell	Knoblach	Miller	Poston	Urdahl
Christensen	Gruenhagen	Koznick	Munson	Pugh	Vogel
Daniels	Gunther	Kresha	Murphy, M.	Quam	West
Davids	Haley	Layman	Nash	Rarick	Whelan
Dean, M.	Hamilton	Lohmer	Neu	Runbeck	Wills
Dettmer	Heintzeman	Loon	Nornes	Sandstede	Spk. Daudt
Erickson	Hertaus	Loonan	O'Driscoll	Schomacker	

Those who voted in the negative were:

Allen	Considine	Hansen	Lee	Moran	Pryor
Anselmo	Davnie	Hausman	Lesch	Murphy, E.	Rosenthal
Backer	Dehn, R.	Hilstrom	Liebling	Nelson	Sauke
Bennett	Ecklund	Hornstein	Lien	Newberger	Schultz
Bernardy	Fischer	Hortman	Loeffler	Olson	Sundin
Bly	Flanagan	Howe	Mariani	Omar	Uglen
Carlson, A.	Franke	Johnson, C.	Marquart	Pelowski	Wagenius
Carlson, L.	Freiberg	Koegel	Maye Quade	Pinto	Youakim
Clark	Halverson	Kunesh-Podein	Metsa	Poppe	Zerwas

So it was the judgment of the House that the decision of the Speaker should stand.

Hilstrom moved to amend H. F. No. 2856, the second engrossment, as amended, as follows:

Page 14, line 24, after "(a)" insert "Except as provided in paragraph (g)."

Page 14, line 29, after "(b)" insert "(1)" and after "as" insert "provided in paragraph (g) or"

Page 14, line 33, before "The" insert "(2)"

Page 15, line 16, strike "(2)" and insert "(ii)"

Page 15, line 20, strike "(1)" and insert "(i)"

Page 15, line 22, strike "(2)" and insert "(ii)"

Page 15, line 23, strike "(3)" and insert "(iii)"

Page 15, line 24, strike "(4)" and insert "(iv)"

Page 15, line 25, strike "(5)" and insert "(v)"

Page 15, line 27, after "(i)" insert "Except as provided in paragraph (g)."

Page 17, after line 4, insert:

"(g) Except as provided in paragraph (b), clause (2), the interest rate shall be ten percent per year until paid for preverdict, preaward, or prereport interest; interest from the time of the verdict, award, or report until judgment is finally entered; and interest on a judgment or award where:

(1) a claimant, plaintiff, or judgment creditor is (i) a vulnerable adult as defined in section 626.232, subdivision 11, (ii) a veteran as defined in section 197.447, or (iii) a member of the United States armed forces; and

(2) a judgment, verdict, report, or award is for the recovery of money."

A roll call was requested and properly seconded.

The question was taken on the Hilstrom amendment and the roll was called. There were 50 yeas and 76 nays as follows:

Those who voted in the affirmative were:

Allen	Ecklund	Hortman	Mahoney	Nelson	Sauke
Bernardy	Fischer	Johnson, C.	Mariani	Olson	Schultz
Bly	Flanagan	Koegel	Marquart	Omar	Sundin
Carlson, A.	Freiberg	Kunesh-Podein	Masin	Pelowski	Wagenius
Carlson, L.	Halverson	Lee	Maye Quade	Pinto	Youakim
Clark	Hansen	Lesch	Metsa	Poppe	
Considine	Hausman	Liebling	Moran	Pryor	
Davnie	Hilstrom	Lien	Murphy, E.	Rosenthal	
Dehn, R.	Hornstein	Loeffler	Murphy, M.	Sandstede	

Those who voted in the negative were:

Albright	Dean, M.	Hamilton	Lohmer	O'Neill	Swedzinski
Anderson, P.	Dettmer	Heintzeman	Loon	Peppin	Theis
Anderson, S.	Erickson	Hertaus	Loonan	Petersburg	Torkelson
Anselmo	Fabian	Hoppe	Lucero	Peterson	Uglen
Backer	Fenton	Howe	Lueck	Pierson	Urdahl
Bahr, C.	Franke	Jessup	McDonald	Poston	Vogel
Baker	Franson	Johnson, B.	Miller	Pugh	West
Barr, R.	Garofalo	Jurgens	Munson	Quam	Whelan
Bennett	Green	Kiel	Nash	Rarick	Wills
Bliss	Grossell	Knoblach	Neu	Runbeck	Zerwas
Christensen	Gruenhagen	Koznick	Newberger	Schomacker	Spk. Daudt
Daniels	Gunther	Kresha	Nornes	Scott	
Davids	Haley	Layman	O'Driscoll	Smith	

The motion did not prevail and the amendment was not adopted.

Dehn, R., moved to amend H. F. No. 2856, the second engrossment, as amended, as follows:

Page 4, after line 22, insert:

"Subd. 4. Family Transportation to Correctional Facilities

The commissioner of corrections is expressly authorized, and encouraged, to enter into partnerships with Peace of Hope, Inc. and the Unprison Project for these nonprofit organizations to transport family members of inmates to correctional facilities for visits with their incarcerated family member."

Amend the title accordingly

The motion did not prevail and the amendment was not adopted.

H. F. No. 2856, A bill for an act relating to public safety; modifying certain provisions relating to courts, public safety, corrections, and crime; modifying definition of sexual harassment; increasing amount of surcharge credited to training account of Peace Officer Standards and Training (POST) Board; providing for a task force and working group; requesting reports; providing for penalties; appropriating money for public safety, courts, corrections, Guardian Ad Litem Board, Board of Public Defense, and Human Services; amending Minnesota Statutes 2016, sections 168B.16; 169.64, subdivision 4; 169.92, subdivision 4; 169A.24, subdivision 1; 169A.55, subdivision 4; 171.07, subdivision 1a; 171.16, subdivisions 2, 3; 171.18, subdivision 1; 171.24, by adding a subdivision; 242.192; 243.166, subdivisions 1a, 1b, 2, 4, 4a, 4b, 4c, 5, 6, 7, 7a, by adding a subdivision; 257.57, subdivisions 1, 2, by adding a subdivision; 257.75, subdivision 4; 299C.091, subdivision 5; 299C.093; 299C.17; 357.021, subdivision 7; 363A.03, subdivision 43; 388.23, subdivision 1; 518.145, subdivision 2; 549.09, subdivision 1; 590.11, subdivisions 1, 2, 5, 7; 609.015, subdivision 1; 609.095; 609.2112, subdivision 1; 609.2113, subdivisions 1, 2, 3; 609.2114, subdivisions 1, 2; 609.2231, subdivisions 1, 2, 3a; 609.324, subdivisions 3, 4, by adding a subdivision; 609.341, subdivision 10, by adding subdivisions; 609.342, subdivisions 1, 2; 609.343, subdivisions 1, 2; 609.344, subdivisions 1, 2; 609.345, subdivisions 1, 2; 609.3451, subdivisions 1, 3; 609.3455, subdivisions 6, 8, by adding subdivisions; 609.52, subdivision 3; 609.74; 609.855, subdivision 2; 611.365, subdivisions 2, 3; 611.367; 611.368; 617.246, subdivisions 2, 3, 4, 7, by adding a subdivision; 617.247, subdivisions 3, 4, 9, by adding a subdivision; 626.8452, by adding a subdivision; 626A.08, subdivision 2; 626A.37, subdivision 4; 631.40, subdivision 1a; Minnesota Statutes 2017 Supplement, sections 171.30, subdivisions 1, 2a; 171.306, subdivisions 1, 2; 171.3215, subdivisions 2, 3; 260C.163, subdivisions 3, 10; proposing coding for new law in Minnesota Statutes, chapters 243; 299A; 299C; 611; repealing Minnesota Statutes 2016, sections 401.13; 609.349.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 92 yeas and 35 nays as follows:

Those who voted in the affirmative were:

Albright	Bliss	Franke	Hansen	Knoblach	Lueck
Anderson, P.	Carlson, A.	Franson	Heintzeman	Koegel	Marquart
Anderson, S.	Christensen	Garofalo	Hertaus	Koznick	Maye Quade
Anselmo	Daniels	Green	Hilstrom	Kresha	McDonald
Backer	Davids	Grossell	Hoppe	Layman	Metsa
Bahr, C.	Dean, M.	Gruenhagen	Howe	Lien	Miller
Baker	Dettmer	Gunther	Jessup	Lohmer	Munson
Barr, R.	Erickson	Haley	Johnson, B.	Loon	Murphy, M.
Bennett	Fabian	Halverson	Jurgens	Loonan	Nash
Bernardy	Fenton	Hamilton	Kiel	Lucero	Neu

Newberger	Petersburg	Pugh	Schomacker	Uglen	Zerwas
Nornes	Peterson	Quam	Scott	Urdahl	Spk. Daudt
O'Driscoll	Pierson	Rarick	Smith	Vogel	
O'Neill	Poppe	Rosenthal	Swedzinski	West	
Pelowski	Poston	Runbeck	Theis	Whelan	
Peppin	Pryor	Sandstede	Torkelson	Wills	

Those who voted in the negative were:

Allen	Dehn, R.	Hausman	Lesch	Moran	Sauke
Bly	Drazkowski	Hornstein	Liebling	Murphy, E.	Schultz
Carlson, L.	Ecklund	Hortman	Loeffler	Nelson	Sundin
Clark	Fischer	Johnson, C.	Mahoney	Olson	Wagenius
Considine	Flanagan	Kunesh-Podein	Mariani	Omar	Youakim
Davnie	Freiberg	Lee	Masin	Pinto	

The bill was passed, as amended, and its title agreed to.

There being no objection, the order of business reverted to Messages from the Senate.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 3755, A bill for an act relating to watercraft; modifying requirements for carbon monoxide detection devices; amending Minnesota Statutes 2016, sections 86B.005, subdivision 8a; 86B.532, subdivision 1.

CAL R. LUDEMAN, Secretary of the Senate

CONCURRENCE AND REPASSAGE

Hertaus moved that the House concur in the Senate amendments to H. F. No. 3755 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 3755, A bill for an act relating to watercraft; modifying requirements for carbon monoxide detection devices; amending Minnesota Statutes 2016, sections 86B.005, subdivision 8a; 86B.532, subdivision 1.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 127 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Albright	Dehn, R.	Heintzeman	Loeffler	Nornes	Schultz
Allen	Dettmer	Hertaus	Lohmer	O'Driscoll	Scott
Anderson, P.	Drazkowski	Hilstrom	Loon	Olson	Smith
Anderson, S.	Ecklund	Hoppe	Loonan	Omar	Sundin
Anselmo	Erickson	Hornstein	Lucero	O'Neill	Swedzinski
Backer	Fabian	Hortman	Lueck	Pelowski	Theis
Bahr, C.	Fenton	Howe	Mahoney	Peppin	Torkelson
Baker	Fischer	Jessup	Mariani	Petersburg	Uglen
Barr, R.	Flanagan	Johnson, B.	Marquart	Peterson	Urdahl
Bennett	Franke	Johnson, C.	Masin	Pierson	Vogel
Bernardy	Franson	Jurgens	Maye Quade	Pinto	Wagenius
Bliss	Freiberg	Kiel	McDonald	Poppe	West
Bly	Garofalo	Knoblach	Metsa	Poston	Whelan
Carlson, A.	Green	Koegel	Miller	Pryor	Wills
Carlson, L.	Grossell	Koznick	Moran	Pugh	Youakim
Christensen	Gruenhagen	Kresha	Munson	Quam	Zerwas
Clark	Gunther	Kunesh-Podein	Murphy, E.	Rarick	Spk. Daudt
Considine	Haley	Layman	Murphy, M.	Rosenthal	
Daniels	Halverson	Lee	Nash	Runbeck	
Davids	Hamilton	Lesch	Nelson	Sandstede	
Davnie	Hansen	Liebling	Neu	Sauke	
Dean, M.	Hausman	Lien	Newberger	Schomacker	

The bill was repassed, as amended by the Senate, and its title agreed to.

**ANNOUNCEMENT BY THE SPEAKER
PURSUANT TO RULE 1.15(c)**

A message from the Senate has been received requesting concurrence by the House to amendments adopted by the Senate to the following House Files:

H. F. Nos. 817, 1975 and 3622.

MOTIONS AND RESOLUTIONS

Clark moved that the name of Bernardy be added as an author on H. F. No. 491. The motion prevailed.

Anselmo moved that the name of Peterson be added as an author on H. F. No. 2440. The motion prevailed.

Dean, M., moved that the name of Torkelson be added as an author on H. F. No. 3138. The motion prevailed.

Schomacker moved that the name of Grossell be added as an author on H. F. No. 3191. The motion prevailed.

Schomacker moved that the name of Jessup be added as an author on H. F. No. 3202. The motion prevailed.

Whelan moved that the name of Marquart be added as an author on H. F. No. 3276. The motion prevailed.

Bahr, C., moved that the names of Flanagan and Applebaum be added as authors on H. F. No. 3282. The motion prevailed.

Anselmo moved that the name of Kunesh-Podein be added as an author on H. F. No. 3495. The motion prevailed.

Pelowski moved that the name of McDonald be added as an author on H. F. No. 4234. The motion prevailed.

Runbeck moved that her name be stricken as an author on H. F. No. 4459. The motion prevailed.

Lohmer moved that her name be stricken as an author on H. F. No. 4465. The motion prevailed.

ADJOURNMENT

Peppin moved that when the House adjourns today it adjourn until 10:00 a.m., Wednesday, May 2, 2018. The motion prevailed.

Peppin moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 10:00 a.m., Wednesday, May 2, 2018.

PATRICK D. MURPHY, Chief Clerk, House of Representatives